

1911

Manner of Electing Officers of Cities. Municipal Elections.

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Proposed Amendments to the Constitution of the State of California, with Legislative

TO BE VOTED UPON AT A SPECIAL ELECTION TO BE HELD ON TUESDAY, THE TENTH DAY OF OCTOBER

AS CERTIFIED TO THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO

STATE OF CALIFORNIA,
Department of State, SACRAMENTO, CALIFORNIA, September 1, 1911.

To the Qualified Electors of the State of California:
WHEREAS, The Legislature of the State of California, at its thirty-ninth session, beginning on the 2d day of January, A. D. 1911, and ending on the 27th day of March, A. D. 1911, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the Constitution of the State of California, prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 2; Committee Substitute for Senate Constitutional Amendment No. 5; Senate Constitutional Amendment No. 6; Senate Constitutional Amendment No. 8; Senate Constitutional Amendment No. 17; Senate Constitutional Amendment No. 20; Senate Constitutional Amendment No. 22; Senate Constitutional Amendment No. 23; Senate Constitutional Amendment No. 26; Senate Constitutional Amendment No. 32; Senate Constitutional Amendment No. 45; Senate Constitutional Amendment No. 47; Senate Constitutional Amendment No. 48; Senate Constitutional Amendment No. 49; Assembly Constitutional Amendment No. 2; Assembly Constitutional Amendment No. 6; Assembly Constitutional Amendment No. 25; Assembly Constitutional Amendment No. 26; Assembly Constitutional Amendment No. 28; Assembly Constitutional Amendment No. 33; Assembly Constitutional Amendment No. 46; Assembly Constitutional Amendment No. 48; Assembly Constitutional Amendment No. 50—all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of California, in the manner required by section one of article eighteen of the Constitution of the State of California.

NOW, THEREFORE, pursuant to the provisions of an act of the Legislature of the State of California, entitled "An act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the State all amendments to the Constitution of the State of California, proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election, and for the canvassing and return of the votes cast thereat," approved March 28, 1911, I have caused to be printed and transmitted, in the manner provided by said act, to each of the County Clerks in this State, and to the Registrar of voters of the City and County of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the Constitution of the State of California (and accompanying statements), to be voted upon at the special election to be held on Tuesday, the 10th day of October, A. D. 1911.

Respectfully submitted,



Frank B. Jordan
Secretary of State.

NOTICE TO VOTERS.

In the matter following, the provisions of the constitution as they now exist are printed in the ordinary faced type; the proposed changes in the constitution and new provisions thereof are shown in black-faced type. The reasons given by the legislature for the adoption or rejection of such proposed constitutional amendments are shown enclosed in border.

FRANK C. JORDAN, Secretary of State.

1. SENATE CONSTITUTIONAL AMENDMENT NO. 2.

CHAPTER 37.—Senate Constitutional Amendment No. 2, a resolution proposing to the people of the State of California an amendment to section 14 article XI of the constitution of the State of California.

The legislature of the State of California at its regular session, commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of the members elected to the senate and assembly voting therefor, hereby proposes to the people of the State of California that section fourteen (14) of article eleven (XI) of the constitution of the State of California, be amended to read as follows:

Section 14. The legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.

Section 14 of article XI, proposed to be amended as above, now reads as follows:

Sec. 14. No state office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

I. The purpose of this amendment is to give the legislature power to provide general and uniform laws for the matters set forth in the amendment, and for the appointment of necessary officers thereunder. Such officers may be state officers and probably will be appointed by the governor, to have jurisdiction throughout the state.

II. The present section of the constitution now prohibits the legislature from creating or continuing a state office for such purposes, but permits the legislature to pass general laws authorizing the appointment of such officers by a county, city, town, or municipality. The design of the constitution, as it now stands without said amendment, is to have matters of local interest regulated and controlled by officers selected by the people of the particular locality, rather than by state at large.

III. The reasons advanced by the majority for the adoption of this amendment are: 1. That the state at large is interested in such inspection, measurement and graduation, and that therefore, officers representing the people of the whole state should have control of same.

2. That a system under direct state supervision would be more effective.

EL. O. LARKINS, Senator, 32d District.

STATEMENT OF AUTHOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 2.

board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties. The provisions of this section shall not be applicable to any county that is consolidated with any city.

REASONS IN FAVOR OF COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5.

This proposal to amend the organic law occupying the second place on the official ballot for the special election on constitutional amendments, known as the "County Home Rule Amendment," is a logical growth from the successful administration of "charter cities" formed under the "home rule" provisions of our constitution relating to municipalities.

When the constitution of 1879 was framed it was with the knowledge that the one adopted in 1849 permitted special legislation for county and local governments and for many other purposes. This privilege had been abused to such an extent as to create a widespread demand for uniformity in county government as well as for the regulation of many other matters of state concern. As a result the uniform system of county and township government, since in force, was inserted therein. It was supposed to be impregnable to the assault of those demanding special laws, as to county and township officers, their salaries, and the number and compensation of deputies when such are allowed; but a way was devised, by classifying counties so as to put each county in a class by itself, to obtain on these subjects in the guise of uniformity what formerly was openly secured under special legislation. Thus the old system is still in control and is generally supreme.

Under the constitution of 1849, the officers of a county and of townships in connection with legislative representatives therefrom, practically determined the character and scope of local laws and fixed salaries. While by that system, as under the present, the legislature was and is now, supposed to pass on county government laws, in more than three fourths of them where they relate to salaries and the creation of sinecures, it was still a fiction to say that it did, or does, so on their merits. Each county delegation has always been allowed to shoulder the responsibility for two reasons: first, because the measures involved purely local questions; and, secondly, for the reason that every delegation has "an axe" of the same kind "to grind" and thus aids the others in turning the legislative "grindstone."

If the people had a voice in their county government; if they could by vote select freeholders to frame a charter subject to their approval at the polls and also subject to amendment by direct action of the people when it proved insufficient to meet their wants, these special favors and "political plums"—and such they are in most cases, as changes in salaries seldom follow any other than the "rising scale"—would not be parceled out in salaries seldom follow any other than the "rising scale" and the benefit of the public as is now done. The test would then be, does necessity and the benefit of the public service require either new ordinances, more help or more pay? Over half a century of experience has not succeeded in remedying under present methods what would under people's management be accomplished with rapidity.

A county should be governed by the same rule that a discreet business man conducts his affairs. The present county system does not work on such a plan. Home rule in a county, township and road government will approximately, if not wholly, secure such a condition. It will have the merit of being a people's government, with the immediate power of correcting abuses in the possession of the electorate, through amendments, initiative, referendum and recall—all powers that the people can and will reserve for themselves in the preparation of county charters under this amendment to the constitution. Under such auspices, public opinion can be readily harnessed for action when wrongs exist and has proved efficacious, not only as a corrective, but also as a deterrent influence, in holding in check evil practices in local government.

What is true of county and township officers and their regulation and compensation, is also true of county and township officers and their regulation and compensation. Justly, or unjustly, there have been many complaints from this source. All road laws affecting counties and districts are the result of compromises in endeavors to make a general law meet the requirements of communities, wealthy and populous, and of those having little property and a less number of people. Experience indicates that the road question, as this amendment aims to do, as far as counties and districts are concerned, should be placed under the care and direction of the people, and let them as taxpayers and the parties immediately affected, determine in their charters what they want in relation to roads, how they want them constructed, or repaired, by what plan and by whom. It will be entirely in their power to select the county or district plan, in whole or in part; to permit the supervisors to have complete, or limited authority over the same; to reserve to themselves authority concerning the action of supervisors thereon, and to wholly manage district roads in any manner that they may provide in the charter.

It will be noted that these subjects, viz.: (a) All matters of a local nature, affecting county administration and county and township officers and deputies, their employment, method of selection, amount of compensation, etc.; and (b) Road administration, including construction, repair and maintenance of all except state highways, are the two with which it will be competent under this proposed amendment, for the people of a county to deal. These subjects generally require in the detail of their administration more of the people's taxes than all the balance of the business affairs of the county; hence it is considered proper that they should form the nucleus for the proposed charter county governments.

It was deemed advisable by those who gave this question a great deal of attention during the last session of the legislature, to begin "County Home Rule" on the same lines that "City Home Rule" was initiated in California, trusting to results sure of attainment to broaden the scheme. Under county charters, as was experienced under city charters, there will be evolved a system that for its simplicity, efficiency, adaptability to local necessities and celerity with which the will of the people can be put into execution—protecting them against evils and safeguarding their rights—will not be excelled by any other so far devised.

This amendment was carefully drawn following, as far as applicable, the safe and tried path pursued in the "City Home Rule" movement in reaching its present advantageous position. All the people of the county are to secure and exercise the initiative, referendum and recall. On the subjects committed to their care, are reserved, notwithstanding the contrary statement made in opposition to this amendment. City charters reserve these rights to the people in municipalities, and with these powers conferred in the same terms by this amendment to the people of a county, how can it reasonably be said that they can not be exercised under charter county government?

The further objections urged that the number of supervisors is not fixed and that the supervisors and persons allied with them, might combine to secure control of the county government, dictate a charter and monopolize appointments of all officers, presuppose that the people will be idle and will vote to chain themselves to the yoke thus prepared. This can not be assumed in the face of the increasing interest taken by citizens in public matters whenever the people's rule is established. Besides it must be borne in mind that under identical authority, city charters have avoided these pitfalls, because the people nominate and elect their freeholders and officers under primary election laws when "ring county governments" can outwit the people if armed as proposed with the ballot and with the powers of the initiative, referendum and recall.

in the second session and on final adjournment, when usually over five hundred are submitted. Particularly beneficial would it be, for a new governor, who is inaugurated at the beginning of a session, without that intimate knowledge of the state's business so necessary to the proper discharge of his duties. As it is impossible for him to secure this information in a continuous session, and as any material change in the administrative conditions must be with the approval of the legislature, two years of his term pass by before he can really get into full action. This is an unnecessary loss to the state.

Those who have followed in detail the proceedings of a legislature, must confess that, even when members are actuated by the purest of motives, the congestion of business in committees as well as in the two houses caused by debates and adjournments, is such as to make it impossible, at all times, to deliberate and treat the important questions presented according to their merits and for the best interests of the commonwealth. About one sixth, some times more, of the session is lost by adjournments from Friday until Monday following, during which committees seldom meet, as their quorums are broken by absentees who have wandered to San Francisco and other points. When it is considered that during the last session approximately three thousand bills and resolutions were filed—the average for years being over two thousand—it can be realized why comparatively a small number of them, receive adequate attention. The "hit or miss" game settles the fate of most of the bills, accordingly as the author is powerful or weak. For the reasons cited, legislative hearings and investigations have become in a measure really jokes. Of course there are exceptions when good results have been achieved. Hearings and investigations are a necessity. No great business enterprise could get along without them, and the state is as great as any from a business standpoint, and far greater in value in a political sense. A divided session would "noble" hearings and investigations, when necessary, to take place during recess, when they can be as complete as the subjects involved require, and the benefits flowing therefrom could be quickly secured for the state during the second session.

An instance, for illustration, will suffice to prove that this is another advantage of the divided session over the continuous. During the session of 1909, a general demand arose for the investigation of the ten per cent raise in certain transcontinental freight rates that, it was alleged, approximately taxed California producers and shippers ten millions of dollars annually. Resolutions setting forth the complaints in relation thereto, and also to the outrageous express rates of the time, were introduced in the senate. Their adoption followed, and the investigation ordered thereby commenced before a committee of that body ending as many others have in a continuous session in delay and disappointment.

In a divided session a full investigation would have been forced during recess, even by a minority of the members, and the second session could have granted relief. It will not do to say we now have a reform legislature, and that such things will not happen again. It is to be wished that such legislatures will hereafter be the rule, but lest "history repeat itself" let us be on guard.

We can not do without a law-making body, but we can, and ought to provide one that will in fact deliberate or be forced to do so through the power of public opinion, for without deliberation there can not be wholesome legislation. We should not for many reasons, following in the light of experience, extend the continuous session, nor limit the same more than we have. A path is marked out, however, one that has been used by congress as the only method enabling it to meet its great responsibilities ever since its establishment, and upon which the republic has been led to a marvelous growth and prosperity. This way was found by the use of adjourned sessions and recesses. Outside of bills, local in their nature and effect, and matters of minor interest, all congressional legislation of importance is the result of vacation, or recess, activity by committees. The important committees are in sessions at fixed dates, some almost continuously, investigating, mapping out their labors, receiving the reports of subcommittees appointed to act during the recess of general committees, and hearing the appeals and requests of individuals, of organizations, and of states that present and ever urge action on many questions of national concern.

Thus tried, it appears a solution on safe and sound support of powerful agencies in struggles for right and justice to all. A constant sentinel will be publicity, proving harmful only to the unworthy cause of a victory-bearer to the just.

The potent power of the press—without which there could be no effective publicity—would attend in season and out of season and during the sessions, especially in the recess thereof, aiding materially in the labor involved in the examination and discussion of measures pending in the legislature and in the dissemination throughout the state of comments thereon growing out of individual or organized effort. The people would have no better equipped and no abler corps of men in its service than will be found in the ranks of the experienced editors and correspondents who have made a study of statesmanship, and a specialty of reviewing legislative proceedings. As in the reform fights of the past, so in those to come, the pen in the hands of these champions will indeed "be mightier than the sword."

Some objections that have been advanced are as follows:

(a) That bills will be held back until the second session to avoid publicity. It is a matter of record that the two-thirds vote now required can not be secured after the fifteenth day of the session upon any local measures, or such as meet with general approval; objectionable ones can not obtain such support.

(b) That members would not work, and interests opposed to the people would get more time and a better chance to influence legislators. These objections are untenable.

The member who would be influenced during a recess would lend as willing an ear to the "siren voice" of the boodler during the "rush and bustle" of a session. Pains-taking members who have accepted office "as a public trust" would do better work, and an abundance of it; while the "legislative drones," or agents of private interests would be weeded out, or forced open, by the unfavorable comparison presented between the two classes. Time and publicity would prove efficient means of destroying the power that has been wielded in the past, by the unprincipled apologist or servant of corporate greed.

(c) That a false public sentiment, through the medium of certain newspapers, could be created during recess on any pending question. The conditions sought to be brought about, viz: Publicity and discussion, which of a suitable scope, will overcome error, about, viz: That members will be pursued and harassed by these desiring to be heard on bills.

It is a right of the people to consult with their legislative representatives, and any of the latter who are unwilling to do so should be made subject to the "recall." Valuable aid, rather than trouble, will follow such consultation; it should be invited, not discouraged. There need be no fear on this score.

In conclusion, I respectfully urge that this proposal be given a trial. It can not do harm; it is certain to lead to improved conditions, for the benefit of legislators, of their constituents, and of the state.

No other plan has been suggested that will retain all that is useful of the continuous session; make more effective present safeguards; and by the simple device of a recess invite the cooperation of all our citizens and taxpayers in the endeavor to legislate in a manner to answer the needs of a state of unsurpassed opportunities; to aid in the development of her unequalled resources, and to assist the mental and moral progress of her people.

A. CAMINETTI (author).

course, would be done were the experiment as is evidenced by the number of criminals in penitentiaries in California we have about the and the cases tried before the police court must, therefore, admit that women would be and morality if given the ballot.

It is argued that all women do not wish to for it has become a common practice on the part of the male voters, and many who, Women, being more faithful to duty, will cheerfully; besides, their presence on such an enjoyable, as well as a guaranty that everybody who are in touch with public affairs are not they are better and more companionable will have a common interest with their sons.

The time was when it was thought that to ruin her morals, destroy her religion, impair take away her desire to be a good wife a exploded, and, as we have progressed in the suffrage; let us show the saloon element the these are the opponents of woman suffrage), a progressive state in every way.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 2 SHOULD BE ADOPTED.

Suffrage is not a right. It is a privilege. It no place for a woman, consequently the mother's influence is needed in the home. S and neglecting her children. Let her teach gentleness are the charms of woman. Let her is every man's first political law; that no surrender of the simplest right of a free and country can shape the destinies of the nation to those duties that God Almighty intended the mother in the home and the dignified in outweigh all the influence of all the manliness.

The courageous, chivalrous, and manly men and home builders of the country, are opposed life. There was a bill (the Sanford bill) to leave the equal suffrage question to the vote on it. This bill was defeated by the suffrage would vote down the amendment by a vote of government and take care of the women. I the protection of men? Why, men have gon itself in defense of woman. To man, woman is no extreme to which he would not go for her exalted position man can be induced to d mix up in affairs that will cause him to lose not have to vote to secure her rights. M elevate her now. As long as woman is won protection and more consideration than man throws down the scepter of her power and l Woman suffrage has proven a failure in California should profit by the mistakes of suffrage effected. On the contrary, statist states, Colorado particularly, that divorces h the equal suffrage amendment, showing that also increased among the children, and more due to the lack of the mother's influence in

Woman is woman. She can not unsex her tent with her lot and perform those high du and she will accomplish far more in govern by mixing up in the dirty pool of politics. K the republic. Let not the sanctity of the ho may be running up and down the highway f women defeat this amendment and keep w may retain the respect of all mankind.

5. SENATE CONSTITUTIONAL AMENDMENT NO. 2.

CHAPTER 9.—Senate Constitutional Amendment No. 2, a resolution proposing to the people of the State of California an amendment to section 14 article I of the constitution of the State of California.

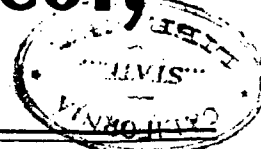
The legislature of the State of California, a day of January, in the year one thousand and eleven, two thirds of the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that section fourteen of article I of the constitution of the State of California, be amended so as to read as follows:

Section 14. Private property shall not be compensation having first been made to, or of way shall be appropriated to the use of an compensation therefor be first made in mone owner, irrespective of any benefits from any which compensation shall be ascertained by civil cases in a court of record, as shall be pre act for a railroad run by steam or electric p be deemed a taking for a public use, and any private property under the law of eminent do thereby become a common carrier.

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Some objections that have been advanced are as follows:

(a) That bills will be held back until the second session to avoid publicity.
It is a matter of record that the two-thirds vote now required can not be secured
after the fifteenth day of the session upon almost all local measures, or such as meet with
general approval; objectionable ones can not obtain such support.

(b) That members would not work, and interests opposed to the people would get
more time and a better chance to influence legislators.

These objections are untenable. During a recess would lend as willing
The member who would be influenced during a recess would lend as willing
an ear to the "siren voice" of the boodler during the "rush and bustle" of a session.
Painstaking members who have accepted office "as a public trust" would do
better work, and an abundance of it; while legislative drones, or agents of private
interests would be weeded out, or forced out, or open, by the unfavorable comparison
presented between the two classes. Time and publicity would prove efficient means of
destroying the power that has been wielded in the past, by the unprincipled apologist or
servant of corporate greed.

(c) That a false public sentiment, through the medium of certain newspapers, could
be created during recess on any pending question. The conditions sought to be brought
about, viz: Publicity and discussion, which in suitable scope, will overcome error.

(d) That members will be pursued and harassed by those desiring to be heard on
bills.

It is a right of the people to consult with their legislative representatives, and any
of the latter who are unwilling to do so should be made subject to the "recall." Val-
uable aid, rather than trouble, will follow such consultation; it should be invited, not
discouraged. There need be no fear on this score.

In conclusion, I respectfully urge that this proposal be given a trial. It can not do
harm; it is certain to lead to improved conditions, for the benefit of legislators, of their
constituents, and of the state.

No other plan has been suggested that will retain all that is useful of the continuous
session; make more effective present safeguards; and by the simple device of a recess
invite the cooperation of all our citizens and taxpayers in the endeavor to legislate in
a manner to answer the needs of a state of unsurpassed opportunities; to aid in the
development of her unequalled resources, and to assist the mental and moral progress
of her people.

A. CAMINETTI (author).

course, would be done were the experiment not a success. Women are better morally,
as is evidenced by the number of criminals in the penitentiaries. For example: In the
penitentiaries in California we have about three thousand men and about thirty women,
and the cases tried before the police courts probably average about the same. We
must, therefore, admit that women would be a great factor in promoting honesty, equity
and morality if given the ballot.

It is argued that all women do not wish to vote. The same argument applies to men;
for it has become a common practice on election days to send conveyances for a large
per cent of the male voters, and many who go voluntarily do so from a sense of duty.
Women, being more faithful to duty, will exercise their right of franchise and do it
cheerfully; besides, their presence on such occasions will make the whole occasion more
enjoyable, as well as a guaranty that everything will be carried on respectably. Women
who are in touch with public affairs are none the less womanly; but, on the contrary,
they are better and more companionable wives, more interesting mothers, because they
have a common interest with their sons.

The time was when it was thought that to allow a girl a high school education would
ruin her morals, destroy her religion, impair her health, make her more masculine, and
take away her desire to be a good wife and mother. Such theories are long since
exploded, and, as we have progressed in these matters, let us progress in reference to
suffrage; let us show the saloon element, the gambling element, the selfish element (for
these are the opponents of woman suffrage), that this great State of California is really
a progressive state in every way.

H. G. CATTELL, Assemblyman, 67th District.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 8 SHOULD NOT BE ADOPTED.

Suffrage is not a right. It is a privilege that may or may not be granted. Politics is
no place for a woman, consequently the privilege should not be granted to her. The
mother's influence is needed in the home. She can do little good by gadding the streets
and neglecting her children. Let her teach her daughters that modesty, patience and
gentleness are the charms of woman. Let her teach her sons that an honest conscience
is every man's first political law; that no splendor can rob him nor no force justify the
surrender of the simplest right of a free and independent citizen. The mothers of this
country can shape the destinies of the nation by keeping in their places and attending
to those duties that God Almighty intended for them. The kindly, gentle influence of
the mother in the home and the dignified influence of the teacher in the school will far
outweigh all the influence of all the mannish female politicians on earth.

The courageous, chivalrous, and manly men and the womanly women, the real mothers
and home builders of the country, are opposed to this innovation in American political
life. There was a bill (the Sanford bill) before the last legislature which proposed to
leave the equal suffrage question to the women to decide first before the men should
vote on it. This bill was defeated by the suffragettes because they knew that the women
would vote down the amendment by a vote of ten to one. The men are able to run the
government and take care of the women. Do women have to vote in order to receive
the protection of men? Why, men have gone to war, endured every privation, and death
itself in defense of woman. To man, woman is the dearest creature on earth, and there
is no extreme to which he would not go for his mother or sister. By keeping woman in
her exalted position man can be induced to do more for her than he could by having her
mix up in affairs that will cause him to lose respect and regard for her. Woman does
not have to vote to secure her rights. Man will go to any extreme to protect and
elevate her now. As long as woman is woman and keeps her place she will get more
protection and more consideration than man gets. When she abdicates her throne she
throws down the scepter of her power and loses her influence.

Woman suffrage has proven a failure in the states that have tried it. It is wrong.
California should profit by the mistakes of other states. Not one reform has equal
suffrage effected. On the contrary, statistics go to show that in most equal suffrage
states, Colorado particularly, that divorces have greatly increased since the adoption of
the equal suffrage amendment, showing that it has been a home destroyer. Crime has
also increased among the children, and more young girls have gone wrong, all doubtless
due to the lack of the mother's influence in the home.

Woman is woman. She can not unsex herself or change her sphere. Let her be con-
tent with her lot and perform those high duties intended for her by the Great Creator,
and she will accomplish far more in governmental affairs than she can ever accomplish
by mixing up in the dirty pool of politics. Keep the home pure and all will be well with
the republic. Let not the sanctity of the home be invaded by every little politician that
may be running up and down the highway for office. Let the manly men and womanly
women defeat this amendment and keep woman where she belongs in order that she
may retain the respect of all mankind.

J. B. SANFORD, Senator, 4th District.

5. SENATE CONSTITUTIONAL AMENDMENT NO. 17.

CHAPTER 9.—Senate Constitutional Amendment No. 17, a resolution to propose to the people
of the State of California an amendment to the constitution of the State of California,
by amending section fourteen of article I thereof, relating to the rights of private property,
and to the law of eminent domain.

The legislature of the State of California, at its regular session, commencing the second
day of January, in the year one thousand nine hundred and eleven, two thirds of all the
members elected to each of the houses of said legislature voting in favor thereof, hereby
proposes that section fourteen of article I of the constitution of the State of California,
be amended so as to read as follows:

Section 14. Private property shall not be taken or damaged for public use without just
compensation having first been made to, or paid into court for, the owner, and no right of
way shall be appropriated to the use of any corporation other than municipal until full
compensation therefor be first made in money or ascertained and paid into court for the
owner, irrespective of any benefits from any improvement proposed by such corporation,
which compensation shall be ascertained by a jury, unless a jury be waived, as in other
civil cases in a court of record, as shall be prescribed by law. The taking of private prop-
erty for a railroad run by steam or electric power for logging or lumbering purposes shall
be deemed a taking for a public use, and any person, firm, company or corporation taking
private property under the law of eminent domain for such purposes shall be deemed to
thereby become a common carrier.

Section fourteen of article I, proposed as above, now reads as follows:
Sec. 14. Private property shall not be taken or damaged for public use without just com-
pensation having first been made to, or paid into court for, the owner, and no right of way
shall be appropriated to the use of any corporation other than municipal until full compen-
sation therefor be first made in money or ascertained and paid into court for the owner,
irrespective of any benefit from any improvement proposed by such corporation, which com-
pensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases
in a court of record, as shall be prescribed by law.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 17 SHOULD BE ADOPTED.

The proposed amendment makes slight change in section 14 of article I of the consti-
tution. It will, if adopted, merely add to that provision the following words: "The tak-
ing of private property for a railroad run by steam or electric power for logging or

to vote upon charters and amendments must be held within a shorter limit of time than is
now allowed; that amendments, when adopted, must be certified, filed and recorded, the
same as charters; that the duties of the several officers who have to deal with charter
proceedings are made mandatory, so that action may be enforced by legal process in
case there is delay or failure to act.

The points that have been referred to, relating to matters of procedure, have been
explained for the purpose of showing that this amendment has been drawn and sub-
mitted with the aim of making the proceedings for the framing, adoption, and amend-
ment of city charters more effective, complete and expeditious.

But perhaps the strongest ground for urging the approval of this amendment lies in
the provision which empowers cities, in adopting or amending their charters, to provide
for a borough system of government. This authorization is merely permissive, so that
cities need not, and of course will not, avail themselves of it, unless their situation is
such as to commend its use in any particular instance.

The policy of establishing subordinate political subdivisions in large cities, having
local or special powers of administration and police jurisdiction, is a subject that is now
receiving a great deal of careful attention, especially in the larger cities of the state.
The rapid growth of cities is a most significant feature of the time, and the larger they
become the more complex are the governmental problems and difficulties with which they
have to deal. When a city becomes a center of a large population, that may be and is in
fact often greatly increased by annexation of outside territory, or by consolidation with
other cities, and both methods are now of common occurrence, the question of its form
of government is one of serious import, because of the geographical differences between
different parts of the city and the diverse interests of the various centers of population
within the municipality. The problem of providing a satisfactory scheme of government
and administration for a large urban population is difficult at best. The tendency of
people to gather in cities, which is so marked in this state, can not be checked by arti-
ficial means, and the subject to which we must earnestly address ourselves is to meet
the situation by permitting such a form of city government to be established as will
most effectively promote the well-being of the people who dwell in them. Accordingly
it is thought prudent, as well as practicable, to allow cities to provide, in their charters,
for the division of their territory into districts, to be called boroughs, which shall exer-
cise such local or special powers, under the general municipal government, as may be
found expedient. As examples of such special powers, we might cite the care and main-
tenance of streets, the establishment of local police, health and sanitary regulations, the
levying of assessments for purely local purposes, and the like. There is some question
whether such a system of boroughs could be established in a city under the provisions of
this section at present. The conviction is gaining much headway that the creation of
boroughs in the greater cities will solve many of their difficulties of administration, and
tend to prevent their governments from becoming unwieldy and inefficient. Separate
parts of cities, which they are of large area, may be more successfully governed if their
special needs are served by local authorities, subordinate to the control of the central
city government in matters that concern the city at large. This amendment is submitted
to the voters of the state for their consideration, with the conviction that it will effect a
desired improvement in the method of adopting city charters and that it will make for
the betterment of city government.

LESLIE R. HEWITT, Senator, 38th District.

7. SENATE CONSTITUTIONAL AMENDMENT NO. 22.

CHAPTER 22.—Senate Constitutional Amendment No. 22. A resolution to propose to the
people of the State of California an amendment to the constitution of said state, by
amending section 1 of article I thereof, relating to legislative powers, and reserving to the
people of the State of California the power to propose laws, statutes and amendments to
the constitution and to enact the same at the polls, independent of the legislature and also
reserving to the people of the State of California the power to approve or reject at the
polls any act or section or part of any act of the legislature.

The legislature of the State of California, at its regular session commencing on the second
day of January, 1911, two thirds of all the members elected to each of the two houses of
said legislature voting in favor thereof, hereby proposes that section 1 of article IV of the
constitution of the State of California, be amended so as to read as follows:

Section 1. The legislative power of this state shall be vested in a senate and assembly
which shall be designated "The legislature of the State of California," but the people
reserve to themselves the power to propose laws and amendments to the constitution, and
to adopt or reject the same, at the polls independent of the legislature, and also reserve the
power, at their own option, to so adopt or reject any act, or section or part of any act,
passed by the legislature. The enacting clause of every law shall be "The people of the
State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the pre-
sentation to the secretary of state of a petition certified as herein provided to have been
signed by qualified electors, equal in number to eight per cent of all the votes cast for all
candidates for governor at the last preceding general election, at which a governor was
elected, proposing a law or amendment to the constitution, set forth in full in said peti-
tion, the secretary of state shall submit the said proposed law or amendment to the con-
stitution to the electors at the next succeeding general election occurring subsequent to
ninety days after the presentation aforesaid of said petition, or at any special election
called by the governor in his discretion prior to such general election. All such initiative
petitions shall have printed across the top thereof in twelve point black-face type the fol-
lowing: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days
before the commencement of any regular session of the legislature, of a petition certified as
herein provided to have been signed by qualified electors of the state equal in number to
five per cent of all the votes cast for all candidates for governor at the last preceding gen-
eral election, at which a governor was elected, proposing a law set forth in full in said
petition, the secretary of state shall transmit the same to the legislature as soon as it
convenes and organizes. The law proposed by such petition shall be either enacted or
rejected without change or amendment by the legislature, within forty days from the time
it is received by the legislature. If any law proposed by such petition shall be enacted by
the legislature it shall be subject to referendum, as hereinafter provided. If any law so
petitioned for be rejected, or if no action is taken upon it by the legislature within said
forty days, the secretary of state shall submit it to the people for approval or rejection at
the next ensuing general election. The legislature may reject any measure so proposed by
initiative petition and propose a different one on the same subject by a year and may vote
upon separate roll call, and in such event both measures shall be submitted by the secre-
tary of state to the electors for approval or rejection at the next ensuing general election
or at a prior special election called by the governor, in his discretion, for such purpose.
All said initiative petitions last above described shall have printed in twelve point black-
face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act
passed by the legislature shall go into effect until ninety days after the final adjournment
of the session of the legislature which passed such act, except acts calling elections, acts
providing for tax levies or appropriations for the usual current expenses of the state, and
emergency measures necessary for the immediate preservation of the public peace, health or
safety, passed by a two-thirds vote of all the members elected to each house. Whenever
it is deemed necessary for the immediate preservation of the public peace, health or safety
that a law shall go into immediate effect, a statement of the facts constituting such neces-

2. That a system under direct state supervision will be effective.

E. O. LARKINS, Senator, 32d District.

STATEMENT OF AUTHOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 2.

Constitutional Amendment No. 2 amends section 14 of article XI of the constitution by permitting what is now prohibited, namely, the adoption of uniform laws for the inspection of weights and measures and commodities sold by weights and measures.

Section 14 of article XI, as it stands at present, reads as follows: "No state officer shall continue or create in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers."

Constructing the foregoing section, the supreme court of the state held in *Condict vs. Police Court*, 59 Cal. 278, that the section did not permit the creation by the legislature of any office charged with the duty of inspecting measures or weighing instruments by which commodities and merchandise are bought and sold. In the *Condict* case a law which had been in force prior to the adoption of the present constitution, providing for the inspection of gas meters by a state inspector, was rendered inoperative by the above quoted section.

The United States Government, through its Bureau of Standards, has, during the last few years, been actively engaged in making investigation of the weights and measures conditions in large cities of the United States and in advising and encouraging legislation designed to bring about a uniform standard and a correction of the evils resulting from the use of short weights and measures. That investigation has resulted in disclosing the fact that practically 50 per cent of the scales and measures in use are faulty, and that practically all commodities and merchandise which are now sold by weight, measure, or number, such as cereals, bacon, and canned goods, are much less than their purported weight or measure. An agent of the Bureau of Standards of California, and his report has been filed with the Bureau of Standards. Space will not permit giving the result of that investigation, but reference to the conditions in the city of Fresno, which city the inspector declared was better than other cities of California which he investigated, shows the necessity for the adoption by the legislature of a uniform law permitting a state-wide inspection of weights and measures. The following is a quotation from that report:

"It will be seen from the above table that but 41 per cent of the scales found in use (in Fresno) are correct, the remaining 59 per cent showing discrepancies greater than the tolerance allowed in these tabulations. It may be remarked that the errors are not quite as large as in some of the larger cities heretofore inspected and that a somewhat smaller percentage is apparently due to fraud. The widespread prevalence of the faulty apparatus taken in conjunction with the fact that the average error on the incorrect scales is 4.8 per cent, making the average error on every scale found in use and inspected 2.8 per cent, is entirely sufficient to show the imperative need of systemizing business by standardizing the apparatus in use. The additional fact that in some stores every amount done up must necessarily be short on account of the condition of the apparatus in use only serves to strengthen the above statement."

The report of the inspector of the Bureau of Standards further shows that the loss to consumers through short weight packages is very great. In one commodity alone, namely, butter, that loss amounts to hundreds of thousands of dollars. In San Francisco it was discovered that the weight of pound prints of butter is 15.12 ounces, the shortage being .88 ounce, or 5.5 per cent per print; that the 1 1/2 pound prints average 23.53 ounces, the shortage being .47 ounce, or 2 per cent per print; that the 2 pound prints average 30.72 ounces, the shortage being 1.28 ounces, or 4 per cent per print.

The report states: "The loss to the consumers of the city is, of course, enormous. The Bureau of Labor Statistics shows that the normal adult of the workingman's family uses about 28 pounds of butter a year. Basing a total consumption upon 400,000 people, the total amounts to 11,200,000 pounds a year. The average shortage per pound amounts to .60 ounce, or 475,000 pounds per year. At an average price of 35 cents per pound (which is much less than the present price) the loss of this one commodity alone on the people of San Francisco is more than \$160,000 a year."

The report declares that practically the same conditions exist in the other cities of California. The inspector of the Bureau of Standards concludes his report as to conditions in California as follows:

"The conditions, then, as revealed by this inspection, are most chaotic and deplorable, and the loss to the consumer and to the honest merchant is an enormous one. We believe that there is, without question, an imperative necessity for a stringent law regulating weights and measures and establishing local inspection services. It is apparent, after a careful study of the subject, that a law of the greatest efficiency can not be legally passed before a constitutional amendment is adopted."

If the proposed constitutional amendment is adopted by the people, the legislature of California will then be permitted to pass laws standardizing weights and measures in California and establishing a state-wide inspection, resulting in protection to every consumer of the state against frauds and short weights and measures, and to every honest merchant and retailer as well. In accomplishing this, California will not be a pioneer in this particular field of legislation, but will be only following the lead set by practically every progressive state of the Union. Upon the vote being taken in both houses upon the resolution submitting constitutional amendment number two to the people not a single vote was recorded against it.

RICHARD J. WELCH, 19th Senatorial District.

2. COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5.

CHAPTER 64.—Committee Substitute for Senate Constitutional Amendment No. 5, a resolution proposing to the people of the State of California an amendment to the constitution of the State of California, by adding a new section to article XI of the constitution and designating as section seven and one half of said article XI of the constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The legislature of the State of California, at its thirty-ninth regular session, commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting therefor, hereby proposes that a new section be added to article XI of the constitution of the State of California, to be known and designated as section seven and one half of article XI of the constitution of the State of California, and to read as follows:

Section 7 1/2. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, deciding that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ a person, specially to assist him in the work of examining such petition, and said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of

and vote on the charters and amendments thereto. The day has passed in California when "ring county governments" can outwit the people if armed as proposed with the ballot and with the powers of the initiative, referendum and recall.

The reason the number of supervisors was left to the people to name provided it be not less than three, was to permit counties like Los Angeles and Alameda to have a greater number than would be desirable for economic reasons in Alpine, Mono, Amador or Fresno counties.

The power of directing that all county and township officers be appointed has been lodged in the Legislature for over thirty years, and yet it has never attempted to use it except in providing for the appointment of county officers on the death, removal, or resignation of any thereof and for deputies, assistants in county offices, and court reporters. It is contained in this amendment for such purposes and its proper exercise by the people can not be doubted.

Corporations and persons who may desire to continue present special privileges they enjoy at the expense of the public and the right to secure more in the future, fearing the new power the people will enjoy under this amendment concerning any renewal thereof, or granting of new ones, by regulations more in accord with right and justice, or of the establishment of public utilities by counties, may seek by specious pleas to defeat it; and some county and township officers, feeling their weakness in a charter government by the people, and desiring to perpetuate existing régimes, may also, oppose this reform, advancing in so doing other than the real reasons. The solicitude of such opponents will no doubt be understood by citizens and taken at its real value on election day.

California, possessing diversified interests and varying conditions, whose mountains, hills, and valleys vie with the ocean, rays and rivers, in modifying the necessities of counties, ranging in population in 1910 from Alpine with 309 to Los Angeles with 504,131, and in assessed valuation of property from \$509,150.00 to \$531,400,559.00, should provide a system that will be more responsive to local needs and that will better accommodate itself to the development of each county according to the desires of the people thereof, than that now supplied by the constitution and laws of the State.

It is my firm conviction that this amendment offers such a system and that it is consistent with progressive ideas of government, eminently just as a matter of principle and that as in charter city administration so in county home rule, the people will enjoy the benefit of good government and approach the ideals of American citizenship.

A. CAMINETTI (author).

The main object of this amendment is to place the local government of each county in the hands of its citizens—in other words, it is designed to give "home rule" to counties. The state constitution in section 5, article XI, authorizes the legislature to provide, by general and uniform laws, for the appointment or election of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township and municipal officers as public convenience may require, and to prescribe their duties, fix their term of office and their compensation. For the purpose of regulating their compensation in proportion to their duties, the legislature may classify the counties by population. This classification has been made, with the result that there are now as many classes of counties as there are counties in the state, each county having a different salary schedule.

At each session of the legislature, practically every one of the fifty-seven counties in the state makes some changes in its county offices, entailing much labor upon the legislature concerning matters of which it is entirely ignorant. Under the present system, the voters of the county have no voice whatever in the changes in their county government law, while under the proposed constitutional amendment providing for county charters, they would entirely control their own local government upon all matters pertaining to their county government. Under the present system, changes in the county government act of each county are accomplished about as follows: Just before leaving for the regular session of the legislature, the members of the legislature confer with the various county officers of their respective counties and learn just what extra deputies or clerks each officer wants, and what raises of salaries he desires for his assistants. Sometimes investigation and inquiry is made as to the advisability of the proposed changes, but more often there is no attempt made to learn, or no means of finding out, the merits of the requests. These suggested changes are inserted in the county government act of each county, or the code sections covering the same are amended, and are passed by the legislature without debate or question.

By a time-honored custom of courtesy the framing of the county bills is left to the member or members from each county and passed without inquiry. In fact, inquiry would avail nothing, as no one but the people of each county knows the local needs. Thus, one or two men, cooperating with the county officials, may raise the salaries or increase the deputies in all the county offices at will. The urgent requests of the county officials, and the lack of information on the part of the legislator, doubtless often work great harm to the public good and a consequent increase of taxes.

The old system invites a general scramble for favors by county officials at each session of the legislature, which almost invariably increases the public burden without sufficient cause. Following is a brief summary of the provisions contained in this amendment:

1. Call for election of a board of fifteen freeholders to draft the charter, which call may be made by ordinance passed by three fifths vote of board of supervisors, or by petition signed by fifteen per cent of the qualified electors of the county.
2. Election of the board of freeholders and drafting of charter, which must be completed and filed by them within one hundred and twenty days after date of their election.
3. Publication of charter for ten days, the first publication being made within fifteen days after filing of same by board of freeholders.
4. Vote upon proposed charter by electors of the county, which must occur not less than thirty nor more than sixty days after final publication.
5. Ratification by legislature.
6. Amendments to the charter may thereafter be proposed by the board of supervisors, or by petition of 10 per cent of the qualified electors, then be voted upon by the voters of the county, and ratified by the legislature.
7. The general frame and structure of all county charters must be uniform, and shall provide for the following matters only:

(a) For boards of supervisors, their election, number, term of office and compensation. Also for their general regulation, their powers and duties, their removal from office and filling of vacancies. The supervisors must always be elected; can not provide for their appointment. Under this provision, the recall could be incorporated into the charter and be made applicable to the supervisors. Charter may provide that the supervisors be elected at large, or may arrange for their election by districts, but under either method each supervisorial district must be represented on the board by one member. The boards of supervisors shall have the power to fix and regulate, by ordinance, the number and appointment of assistants, deputies, clerks and attachés to be employed in each county office, prescribing their duties, powers, qualifications and compensation, together with their manner of appointment and removal.

(b) For county clerks, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, assessors, district attorneys, judges, superintendents of schools, justices of the peace, and constables of townships, judges and officers of other inferior courts provided for by law, and for the election or appointment of said officers, their term of office, duties and powers, compensation and their removal from office. Also may provide for segregation or consolidation of county offices. Under this provision, civil service could be applied to all appointive county officers with their deputies, assistants and clerks.

(c) For compensation of fish and game wardens, probation officers and other officers provided by law.

(d) For the formation of road districts for maintenance of roads, highways and bridges and for formation of construction districts for the construction of roads, highways and bridges. May also provide for creating indebtedness for such work and issuing bonds to cover same upon the assent of two thirds of the qualified electors at an election called for that purpose.

8. Any county may surrender its charter with the assent of two thirds of its qualified electors voting in favor thereof.

H. S. BENEDICT, Assemblyman, 72d District.

REASONS WHY COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 5 SHOULD NOT BE ADOPTED.

Committee Substitute for Senate Constitutional Amendment No. 5, proposing a new section, to be known as section 7 1/2 of article XI of the constitution, should be defeated for the following reasons:

In brief, Senate Constitutional Amendment No. 5 provides, through boards of supervisors, for commission government in counties. The adoption or rejection of any proposed constitutional amendment should be determined, not only by the possible benefits that might accrue from its adoption, but by the possible or probable harm and detriment that might follow its adoption. Therefore, the following relates to the probable detriment that would result from the adoption of Senate Constitutional

of her people.

A. CAMINETTI (author).

Judging by the record of the last two sessions there are in excess of 1,300 measures introduced in each house during a session, which must be discussed, amended, debated and voted upon in say three months. No man can consider all those measures in that time, do them each justice, and avoid making mistakes. If the measures were introduced, considered by the committees, in the newspapers and by the public during a recess of sixty days, on the reassembling of the legislature the members would be almost certain to know the views of their constituents and the people of California on all important bills, and particularly upon those affecting directly the local interests of their districts.

Thus, when the members get together again, they will have had an opportunity to read and consider the bills introduced, will know what the people of the state desire, and will have had an opportunity to explain and discuss the measures personally and quietly with their constituents.

The various bills and constitutional amendments will have been taken in hand by subcommittees which can give to their share of the work their most careful attention. Public meetings will be held, newspaper articles published, and many measures thoroughly discussed during the recess, with all their merits and demerits fully exploited.

It is believed by the proponents of this amendment that its adoption will tend to produce more carefully considered and better digested laws than are possible under the present system.

LESTER G. BURNETT, State Senator, 25th District, San Francisco.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 6 SHOULD NOT BE ADOPTED.

If this amendment is adopted it will subject the legislators to unnecessary pressure from persons or interests seeking to secure legislation. The recess will be a field day for professional lobbyists to journey from one assembly district to another attempting to influence the "recessing" legislators. It will prove particularly harassing to members from large cities like San Francisco, Los Angeles, and Oakland, where the headquarters and representatives of these interests most likely to be affected by legislation are located.

It will lengthen the session which, in my opinion, will naturally result in either reducing the mental and moral average of the legislators, or will resolve itself into a rich man's pastime for no man of average means who must earn a living can well afford to bear the expense of primary and general elections, spend thirty days at Sacramento, thirty days or more at home listening to the importunities of persons interested in legislation and then return to Sacramento for fifty days or more, or a total of from one hundred and ten to one hundred and twenty days, for all of which he would receive \$1000.

The recess will afford ample time and convenient opportunity for the manufacturing of a false public sentiment through the medium of purchased newspapers. It is folly to assume that the member of the legislature will take all the bills home and study each one carefully. He will be busy with his own affairs trying to catch up with the work that accumulated during his thirty days' absence from home and consequently won't have as much time to consider them as he would if he remained at Sacramento.

An amendment providing no member could introduce more than ten bills during the session, that no bill could be introduced in either house after twenty days without the consent of three fourths of the members thereof, and that all appropriation bills must originate in the Assembly might accomplish beneficial results.

We are suffering most, however, from too much legislation. It would be a good idea to devote a whole session to repealing a number of freak laws now on the books. We are amending the constitution too often. It would be better to adopt a new one. We could include the initiative, referendum and recall in it—possibly might be shocked, but we are in the Union now. In the mean time, however, it is possible to continue to enact good legislation under the present system notwithstanding the time spent in preparing, considering and rejecting many foolish bills and the long, weary hours wasted in oratory.

EDW. J. TYRELL, Senator, 16th District.

4. SENATE CONSTITUTIONAL AMENDMENT NO. 8.

CHAPTER 16.—Senate Constitutional Amendment No. 8, a resolution to propose to the people of the State of California an amendment to section one of article two of the constitution in relation to the rights of suffrage.

The legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes that section one of article two of the constitution of the State of California be amended so as to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections, which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

Section one of article II, proposed to be amended as above, now reads as follows:

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

REASONS WHY CONSTITUTIONAL AMENDMENT NO. 8 SHOULD BE ADOPTED.

Women have the intelligence, the perseverance, and the honesty of purpose to assist in the uplifting of the state. They have a strength which should not be cast aside in the struggle for better things. They are the complement of men and in the purest sense their co-workers. In this belief I earnestly ask the consideration of the following reasons why the proposed amendment granting equal suffrage to women should be adopted:

The reasons why women should vote are the same as the reasons why men should vote, the same as the reasons for having a republic rather than a monarchy. To vote is simply to express one's opinion. A ballot is the instrument used. Spreading generally, the only real qualification governing its use is intelligence, for without intelligence one's opinion on any subject is worthless. Equal suffrage would increase the proportion of educated voters. The high schools of every state in the Union are graduating more girls than boys—often twice or three times as many.

There are women in the schools of California, over ten thousand teachers, of whom 85 per cent are women. The teaching of civics is obligatory. Is it fair to expect a woman, without that last sign of civic responsibility, the ballot, to possess such comprehending and practical knowledge of public affairs and machinery as would make her an inspiring teacher of civics for boys who already feel their importance as future voters and officeholders? Is she in a dignified position to do so? How can she teach the great truths of democracy—that it derives its authority from the eternal rights of nature; that a nation includes all its social elements and forces; that a true national representation, therefore, must include all these; that if one of these forces is neglected, the desire of this neglected force to be represented will inevitably lead to the necessity for a radical change; that the very purpose of the existence of the nation is the progressive development, happiness, and activity of all its social elements and forces—how can she teach these truths and explain the non-representation of women to clear-sighted boys and girls?

The proposed amendment makes slight addition. It will, if adopted, merely add to the list of private property for a railroad or lumbering purposes, shall be deemed a company or corporation taking private property for such purposes shall thereupon and thereb.

It is designed to remedy an evil that large lumber companies which happen to be stream, of the lands of smaller owners to reach a carrier which will trans if this amendment is adopted, railroads who are present cut off from communities themselves reach out for lands. But whenever such railroad becomes a common carrier and serve other a lumbering company from owning and or over rights of way which it may purchase by condemnation proceedings for such compensation as shall be assessed by a jury and in addition operate such road as a common carrier. The policy of the law as expressed for the Code of Civil Procedure, which says in behalf of "roads and flumes for logging or the right conferred by this amendment, by the existing provision of our constitution, against this proposed amendment. There legislature in opposition to the adoption of the reason that it will serve a useful purpose use the lands of themselves, and exclude any market by reason of excluding them from.

6. SENATE CONSTITUTIONAL AMENDMENT NO. 6.

CHAPTER 65.—Senate Constitutional Amendment No. 6, a resolution to propose to the people of the State of California, an amendment to section eight of article XI of the constitution and amendments thereto.

The legislature of the State of California, on the day of January, in the year one thousand nine hundred and eleven, two thirds of the members elected to each of the houses of the legislature voting in favor thereof, propose that section eight of article XI of the constitution of the State of California be amended so as to read as follows:

Section 8. Any city containing a population of at least five thousand inhabitants as ascertained and established by the census of the State of California, or by a special census authorized by the legislature, shall have the right to frame a charter, consistent with and subject to the constitution, and to amend the same, by causing to be filed in the office of the city clerk, for the purpose of electing such board of freeholders, a petition signed by fifteen per cent of the qualified electors of said city, at a general or special election, in pursuance of an ordinance adopted by the council, or other legislative body, requires the election of such board for the said city, or in pursuance of a petition provided. Such petition, signed by fifteen per cent of the qualified electors of said city, shall be filed in the office of the city clerk thereof, twenty days after the filing of said petition in the office of the city clerk thereof, and shall be open for the inspection of the public, and the city clerk shall forthwith attach to said petition, and shall provide for their computation upon the total number of votes the last preceding general election at which a board of fifteen freeholders to be elected in the office of the city clerk thereof, twenty days after the filing of said petition in the office of the city clerk thereof, and shall be open for the inspection of the public, and the city clerk shall forthwith attach to said petition, and shall provide for their computation upon the total number of votes the last preceding general election at which a board of fifteen freeholders to be elected in the office of the city clerk thereof, and shall be open for the inspection of the public, and the 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amendment to be submitted to the people, for their approval or rejection, at a general election, or at a special election to be called by the governor in his discretion ;

By Senate Constitutional Amendment No. _____

...through ordinances and ... the theory that the inter- ... self-government, is enticing ... there is nothing of home ... No. 5 that the counties do not ... to the constitution, except the ... an elective board of ... county and township officers, ... of elective officers. All spe- ... first, to elect a board of free- ... and township officers; and, ... their naming to all county and ... his present board of super- ... it all, appoint more honest and ... would nominate through the ... section? Appointive county and ... as to such officers. More than ... y or township, would be beyond ... nderstood that boards of super- ... ice county officers who would ... hem in their respective offices ... think how infrequent it is in ... fault another. And besides, ... is blind to the imperfections of ... knowledge of the inefficiency or ...

ize, if not totally destroy, their ... heir right to elect such officers, ... recall such officers. This pro- ... the referendum and the recall ... tional amendments, to which ... pposed, provide for direct local ... removal of county and township ... and every of the counties of the ... for possible and probable harm, ... vitation to the people to give up ... ne people, by the initiative, the ... nsisting of not less than three ... to the requirements of the pro- ... y, or unconsciously, be governed ... men in office. The people, as a ...

ment, which form of government ... ler ear or republic. The amend- ... legislature and executive and ... reason of its lengthy, chaotic and ... ury will not see the power of the ... visors on the other, settled and ...

IAN, Senator, Second District.

... directly in good government; bad laws, and the non-enforcement of the same. It is ... Property rights should be represented on the same basis for men and women. It is ... fair and right that those who must pay taxes should have a voice as to the size of the ... tax and the way it shall be spent as they are affected by legislation must be preserved ... The inalienable rights of person as they are framed in laws, which deal with them, ... to women, and no one can without equal suffrage is impossible, because it is only ... Representative democracy ... through this form of government that people who are subject to laws may have a voice ... in making them. Restriction of the franchise tends to encourage aristocracy, while ... equal suffrage will encourage democracy.

Indirect influence. Women all over the United States have accomplished much civic ... work without the ballot. Many of the laws and reforms of public health and morals have ... the welfare of the child, the protection of women, and they have had to arrive at this result by ... been inspired and secured by women, but they have had to appeal to a city council ... getting some one else to do the work for them. But a vote. She must get some one to ... or a state legislature means to a woman, without having the right to express their ... adopt her views and do the work for her. Women should have the right to express their ... opinions on public matters in a straightforward, simple, direct manner, and they should ... receive such consideration as every citizen deserves. Woman can take part in public ... affairs in a womanly way, and it is because she is a woman that her counsel and opin- ... ions are valuable.

Woman's place is the home. She is the happiest among women who is blessed with a ... home and a family. If women vote it will not destroy the home. It only means a short ... time once or twice a year to go to the polls and deposit a marked piece of paper, and ... during these few minutes she wields a power that is doing more to protect her home ... and all other homes than any other possible influence, and she need not neglect her ... household nor her children in order to do it. Almost any woman has enough time to go ... to the polls, and enough time to inform herself so she can vote intelligently. It has ... been said that to enter the political arena woman must give up her home interests. This ... fear is only imaginary. On the contrary, she will stick closer to her home after having ... reached the goal of her ambition. Her personality, enlarged by the proofs of her ... extended activity, will raise the standard of home higher than ever. Having become ... an individuality herself, she will respect the individuality of her husband and children. ... There will be fewer misunderstandings and more understanding wives. The ... home, far from suffering, will gain by woman's extended sphere of activity.

Governor Bryant B. Brooks of Wyoming said: "In the first place, let me say that ... nothing can be so far from the truth as the idea that woman suffrage has the slightest ... tendency to disrupt the home. Indeed, I have seen much of the working of woman ... Francis E. Warren of Wyoming testified: "The first case of domestic discord therefrom." Chief ... Justice Joseph W. Fisher testified: "I have seen the effect of woman suffrage. Instead ... of encouraging fraud and corruption, it tends greatly to purify elections." Theodore ... Roosevelt says: "I believe in the rights of woman just as much as I do in those of man, ... and indeed a little more. She can do the best work in her home if she has healthy out- ... side interests and occupations as well as those in her home."

Women in their homes are responsible for the health, cleanliness, and the comfort of ... their families. Many matters of city and state administration, so it is not fair to hold ... homes have become matters of cleanliness and healthfulness of food, and the prevention of ... woman responsible for the cleanliness and healthfulness of food, and the prevention of ... disease, unless she has a right to an opinion about these matters, now that they are ... public questions. The solution of the problem of cities, which involve unsanitary ... housing, poisonous sewage, infant mortality, impure milk, juvenile crime, attempted to ... and drunkenness, should have the help of minds which have in the past attempted to ... for children, clean homes, to prepare foods, and isolate the family from moral ... dangers. However much all California women would like to stay at home, they can ... can not do so. Economic conditions have forced women to support themselves and ... others. They have been carried by necessity into all the professions and industries. ... These relations are constantly affected by restraining or remedial legislation in which ... women have a right to be heard.

Woman suffrage a success. Woman suffrage never has failed where it has been ... granted. No state or nation has ever repealed it when once conferred.

Woman suffrage not an innovation. Suffrage can not now, when considered in its ... broad aspect, be called an innovation. In more than half the states in the Union women ... have the school ballot, and their votes occasionally turn the scales in a school election. ... In England, Scotland, Ireland, Canada, Kansas, Sweden, and elsewhere, women have the ... municipal ballot, and their votes have effectively influenced such elections. In Wy- ... ming, Colorado, Utah, Idaho, Washington, Finland, Norway, Australia, and New Zealand ... thousands of women vote for all elective officers, including the highest. Statistics show ... that where women have equal suffrage with men as large a proportion of women vote ... as men, and a recent census of New Zealand showed that in the last general election a ... trifle larger percentage of women voted than did the men. New Zealand gave women ... the ballot in 1893, and sociologists declare that all the magnificent reforms which have ... pur New Zealand in the timid conservatism of men. The other Australasian states ... often in opposition to women, and recently the senate of Federated Australia adopted ... have given suffrage to women, and recently the senate of Federated Australia adopted ... resolutions expressing satisfaction at the beneficial workings of woman suffrage, and ... urging that all nations enjoying a representative government would be well advised in ... granting votes to women.

Julia Ward Howe's canvass. All people ought to be willing to trust the fairness of ... Julia Ward Howe. Mrs. Howe wrote to the ministers and editors of the enfranchised ... states, asking them to sign a petition for woman suffrage had been good or ... bad. She received 624 answers, 62 opposed, 46 in favor, and 516 in favor.

Colorado. Judge Lindsey writes in the February *Delinquent*: "It, woman suffrage, has ... been one of the great bells that has aroused the conscience of the state to the work of flushing filth from ... its politics, bettering economic conditions, mitigating the cruelties of industrialism, pro- ... moting equal and exact justice, and making a more wholesome and expansive environ- ... ment. To these ends, in the short space of seventeen years, it has aided in placing a ... score of needed laws on the statute books—it has raised new standards of public service, ... of political morality, and of official honesty."

Reform workers favor suffrage. It is highly significant that the women who are doing ... either volunteer or paid social work all over this country are almost unanimous in their ... belief that they could do their work better if they could vote. The women who are ... doing valiant service on civic committees and playground commissions, those working ... for a proper milk supervision, the probation officers, those on the housing commissions, ... all the noble women who are giving time and consideration to philanthropic work, these ... women know actual conditions; they come in contact with realities. Jane Adams feels ... that she could do her work better with the ballot. So does Florence Kelley, Ella Flagg ... Young, and the other hosts of women who are devoting their lives to the welfare of ... women and children and the uplift of the race.

All the arguments against woman suffrage have been answered by the operation of ... equal suffrage in New Zealand, Australia, Finland, Norway, and Wyoming. Colorado, Idaho and ... Utah. Hon. W. P. Reeves, agent general for New Zealand, after commending the good ... influence of women suffrage in that country said: "And this widens women's lives, ... brightens their intellects, makes their lives fuller and more useful to the country and ... none the less charming in the domestic circle." Charles Edward Russel said: "I have ... seen a great many New Zealand households, and they seemed exactly as well ordered, ... as bright, cheerful and happy as any other households I have seen in New Zealand, and ... J. B. Connally, United States Consul at Auckland, New Zealand, wrote: "The late elec- ... tion refutes the charges made by the opposition to exercise the privilege of suffrage ... incapable, owing to their inexperience in political affairs, to exercise the privilege of ... gently; they have fully demonstrated their appreciation of the issues involved and the ... the possibility of a doubt, by their displayed in the selection of candidates." The Right ... Honorable Sir Joseph Ward, Premier of New Zealand, said: "In my opinion the results ... of enfranchising the women of New Zealand have been wholly beneficial. The state- ... ment that the power to vote renders a woman less attractive or less companionable is ... utter nonsense."

A proposal to establish a sex line in politics would now be laughed at.

Mr. Louis Brandeis is a many years past, he is also a keen lawyer and a practical ... has brought him fame for many years past, he is also a keen lawyer and a practical ... man of affairs. That proved by his brilliant handling of the Pinchot-Ballinger case, ... and by his remarkably successful presentation of the claims of the eastern shippers ... the recent much discussed investigation of railway rates before the Interstate Com- ... merce commission. When, therefore, Mr. Brandeis, after frankly admitting that he ... mered to be opposed to equal suffrage, says: "My change of opinion has been connected, ... of my own experience in various movements with which I have been connected, ... endeavoring to solve the social, economic and political problem which have presented ... themselves from time to time," his words ought to carry conviction. Hereafter, when ... is regarded as strong proof.

... there be no such daily newspaper. If a majority of such qualified electors voting thereon ... at such general or special election shall vote in favor of any such proposed amendment or ... amendments or any amendment or amendments proposed by petition, as hereinafter pro- ... vided, such amendment or amendments shall be deemed to be ratified, and shall be forth- ... with submitted to the legislature, if it be in regular session, otherwise at its next regular ... session, or may be submitted to the legislature in extraordinary session, for approval or ... rejection as a whole, without power of alteration or amendment, and if approved by the ... legislature, as herein provided for the approval of the charter, such charter shall be ... amended accordingly. A copy of such amendment or amendments shall be authenticated, cer- ... approval thereof by the legislature, be made in duplicate, and shall be of force and effect, ... filed, recorded and filed as herein provided for the charter, and with the clerk of the city. ... Whenever a petition signed by fifteen per centum of the qualified electors for governor at ... computed upon the total number of votes cast therein for all candidates for governor at ... the last preceding general election at which a governor was elected, is filed in the office ... of the city clerk of said city, petitioning the council, or other legislative body thereof, to ... submit any proposed amendment or amendments to the charter, to the qualified elect- ... amendment or amendments shall be set forth in full in such petition, by the city clerk, and ... ors thereof, such petition shall forthwith be examined and certified by the city clerk, and ... if signed by the requisite number of qualified electors of said city, as hereinbefore provided ... the said council, or other legislative body, by the said city clerk, as hereinbefore provided ... petitions for the election of boards of freeholders. Upon the presentation of said peti- ... tion to said council, or other legislative body, said council, or other legislative body, must ... submit the amendment or amendments set forth in said petition to the qualified electors of ... said city, at a general or special municipal election, held not less than twenty, nor more ... than forty, days after the completion of the publication of such proposed amendment or ... amendments, in the same manner as hereinbefore provided in the case of the submission ... of any proposed amendment or amendments to such charter, proposed and submitted by ... of the council, or other legislative body. The first publication of any proposed amendment ... amendments to such charter, so proposed by petition shall be made within fifteen days ... after the aforesaid presentation of said petition to said council, or other legislative body, ... in submitting any such charter, amendment or amendments thereto, any alternative article ... or proposition may be presented for the choice of the electors, and may be voted on sepa- ... arately without prejudice to others.

Every special election held in any city under the provisions of this section, for the elec- ... tion of a board of freeholders, or for the submission of any proposed charter or any amend- ... ment or amendments thereto, shall be called by the council, or other legislative body ... thereof, by ordinance, which shall specify the purpose and time of such election, and shall ... establish the election precincts and designate the polling places therein, and the election ... officers for each such precinct. Such ordinance shall, prior to such election, be pub- ... lished five times in a daily newspaper, or twice in a weekly newspaper, and there be ... no such daily newspaper printed, published and circulated in said city. Such election ... shall be held and conducted, the returns thereof canvassed, and the result thereof declared ... by the council, or other legislative body of such city, in the manner wherein such pro- ... hereafter provided by general law for such elections in the particular wherein such ... vision is now or may hereafter be made therefor, and in all other respects in the manner ... provided by law for general municipal elections, in so far as the same may be applicable ... thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or ... amendment or amendments thereto shall be submitted at a general municipal election, the ... laws governing the election of city officers, or the submission of propositions to the vote of ... electors, shall be followed in so far as the same may be applicable thereto and not incon- ... sistent herewith.

It shall be competent in any charter framed by any city under the authority given in this ... section, or by amendment to such charter, to provide, in addition to those provisions allowed ... by this constitution and by the laws of the state, for the establishment of a borough ... system of government for the whole or any part of the territory of such city, by which one ... or more districts may be created, within which districts shall be known as boroughs, and ... which shall exercise such special municipal powers as may be granted by such charter, and ... for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, ... be deemed to relate to the clerk of the legislative body thereof.

Section eight of article XI, proposed to be amended as above, now reads as follows: ... Sec. 8. Any city containing a population of more than three thousand five hundred ... inhabitants may frame a charter for its own government, consistent with and subject to the ... constitution (or, having framed such a charter, may frame a new one), by causing a ... board of fifteen freeholders, who shall have been for at least five years qualified electors ... thereof, to be elected by the qualified voters of said city at any general or special election, ... whose duty it shall be, within ninety days after such election, to prepare such board, ... charter for such city, which shall be signed in duplicate by the members of such board, ... or a majority of them, and returned, one copy to the mayor of the county, and the other ... officer of such city, and the other to the recorder of the county. Such proposed charter ... shall then be published in two daily newspapers of general circulation in such city, for at ... least twenty days, and the first publication shall be made within twenty days after the ... completion of the charter; provided, that in cities containing a population of not more than ... ten thousand inhabitants, such proposed publication it shall be submitted to the qualified ... paper; and within thirty days after such publication it shall be submitted to the qualified ... electors of said city at a general or special election, and if a majority of such qualified ... electors voting thereon shall ratify, as a whole, without power of alteration or amendment, ... ture for its approval or rejection as a whole, and if approved by a majority vote ... Such approval may be made by concurrent resolution, and if approved by a majority vote ... of the members elected by each house, it shall become the charter of such city, or if such ... city be consolidated with a county, then of such city and county, and shall become the ... organic law thereof and supersede any existing charter, (whether framed under the pro- ... visions of this section of the constitution or not,) and all amendments thereof, and all laws ... inconsistent with such charter. A copy of such charter, certified by the mayor, or chief ... executive officer, and authenticated by the seal of such city, setting forth the submis- ... of such charter to the electors, and its ratification by them, shall after the approval of ... of such charter by the legislature, be made in duplicate, and deposited, one in the office of the secre- ... tary of state, and the other, after being recorded in said recorder's office shall be filed ... in the archives of the city, and thereafter all courts shall take judicial notice of said charter. ... The charter, so ratified, may be amended at intervals of not less than two years by pro- ... posals therefor, submitted by the legislative authority of the city after the publication of such ... thereof at a general or special election, held at least forty days after the publication of such ... proposals for twenty days in a daily newspaper of general circulation in such city, and ... ratified by a majority of the electors voting thereon, and approved by the legislature as ... herein provided for the approval of the charter. Whenever fifteen per cent of the qualified ... voters of the city shall petition a charter to the qualified voters thereof for approval, the ... amendment or amendments thereto, must submit the same. In submitting any such charter, or ... legislative authority thereto, any alternative article or proposition may be presented for the choice ... amendments thereto, any alternative article or proposition may be presented for the choice ... of the voters, and may be voted on separately without prejudice to others.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 20 SHOULD BE ADOPTED.

The section now forbids the amendment of a city freeholder charter more than once ... in two years. The supreme court held that this prevented taking a vote in a city ... upon proposed amendments more than once in two years. Some cities had held special ... elections to amend after the November general or municipal election, and the ruling ... compels all such cities to go to the additional expense of holding an election shortly ... after the municipal election to vote on amendments, which, but for the limitation, might ... have been submitted at the municipal election. The proposed change provides, under ... careful limitation, for taking a vote on proposed amendments without reference to the ... existence. Another change permits amendments which have been ratified by ... two year limitation, to be approved by an extra session of the legislature, if one happens to be in ... the people to be approved by the legislature, as it stands, requires a charter to be published in newspapers ... for ten days. The expense is often very great and the present proposal reduces the ... election of freeholders to frame a charter by a petition of fifteen per cent of the ... electors, and very carefully guards the signing and official examination of such a peti- ... tion, as well as the petition by which amendments may be submitted, already provided for ... for. No other change is made except a provision that a charter may provide for a ... borough system by districts to be known as boroughs. It is not to make the power certain, ... not be done under the present provisions. It is desirable to make the power certain, ... All the changes are good and improve the provision, and are dictated by the result of ... experience.

JOHN P. HARE (author), Senator 23d District.

By Senate Constitutional Amendment No. 20 it is proposed to make certain changes ... of the constitution, relating to the framing and adoption of

last general election, or to be submitted to the people, for their approval or rejection, at the next ... amendment to be submitted to the people, to be called by the governor in his discretion; ... general election, or at a special election, to be called by the governor in his discretion; ... while electors equal to five per cent of said vote for governor can require a proposed ... statute submitted to the legislature, and if the legislature does not enact such ... statute, then to the people. In this case, however, the legislature has the privilege of ... subjecting to the people, at the same time, a different or amended measure on the same ... subject. No initiative measure is subject to the governor's veto, nor, when adopted, can ... it be amended or repealed except by the people, unless the measure itself shall differently ... provide. If a conflict arise between provisions adopted and approved by the electors at ... the same election, that receiving the highest vote shall prevail.

The referendum. Electors equal to five per cent of the total vote cast for governor at ... the last preceding election, by petition filed within ninety days after the adjournment of ... the legislature, may require any act of the legislature (excepting those calling elections, ... providing for tax levies and urgency measures declared therein to be such, and passed by ... a two-thirds vote of both houses) to be submitted to the people for their approval or ... rejection at the next general election, or at a special election to be called by the gov- ... ernor at his discretion; thus giving to the people the power to arrest, and prevent the ... taking effect, of vicious or objectionable acts of the legislature.

Advantages of the initiative. The legislators knowing that the people can ultimately ... express their will in law, without the aid of the legislature, will actively endeavor to ... ascertain the will of the majority of the people, rather than of some faction, and to do ... that will. It will give men who think differently on general party affairs, but who agree ... upon a particular measure, the chance to vote upon such measure. It will enable electors ... to vote for a measure although it be opposed by their candidate, and at the same time ... for such candidate if they believe him to be right upon other issues. Each measure will ... be considered more upon its own merits by the legislature, it knowing that unless such ... measure merits approval it can be held up by the electors.

Advantages of the referendum. It will be unsafe and profitless for legislators to bar- ... gain with private interests, or to violate the people's rights; because the people have the ... power of ratification or rejection. It will prove a safeguard against the "silent schem- ... ing of the crafty few," and at the same time serve as a safeguard against the enactment ... of laws noisily demanded by a mere faction. It will be effective against mob rule (the ... violent few) and against machine rule (the wire-pulling few). Honest business will not ... have to bribe a legislature to get a square deal. Dishonest business will not be able to ... "influence" a legislature and get more than a square deal, for the final decision will be in ... the hands of the people. Washington's words of wisdom still hold true, "The people will ... always be nearer right than those who have a selfish interest in controlling them." In ... the last analysis the thing upon which we may finally depend, under our form of govern- ... ment, is the judgment of the people. These amendments are not opposed to our form of ... government, not opposed to the ideals of the fathers of the republic, and are not contrary ... to the spirit of our institutions. Exactly the opposite is true. The town meeting of New ... England trained our fathers in the principles of self-government. From that training ... sprang full fledged the idea of self-government. That self-government is the spirit and ... essence of our institutions and the basis of all our law in state and nation. The people ... realized that they were, and have made themselves the source and foundation of power. ... They created our form of government. They created our constitutions. They are the ... creators of legislatures. They are the employers, and they must be clothed with the ... power to issue commands, to exact obedience and to negative and nullify the acts of their ... agents and servants, if they violate the wish or the will of their employers or the spirit ... of their employment.

The initiative and referendum not new. The initiative and referendum are not untried ... experiments. Switzerland, admittedly one of the best, if not the best governed country ... of the world, has had it for nearly fifty years. At least eight states of our own country, ... beginning in 1902, have made the initiative and referendum an integral part of their ... framework of government. In California many cities have already adopted it. Los An- ... geles has had it since 1903. San Francisco and Oakland have incorporated it into their ... charters last year. Berkeley and San Diego and other cities had done so prior to that ... time, while counties and cities of the fifth and sixth classes were given such powers by ... the legislature at its last session. The procedure for amending our state constitution by ... submitting the same to a vote of the people is one of the oldest and highest forms of the ... referendum.

Its opponents. One of the strongest arguments in its favor is the character of many ... of those who oppose it. Opposing it will be found without exception the servants of spe- ... cial interests, and those who profit through special legislation. Added to these are those ... who may be termed our "Political Aristocrats," who distrust and scoff at the people; ... who are accustomed to sneer at self-government as "The rule of the Mob," or "the ... Tyranny of Majorities."

Objections. Objection has been made that these powers would deprive the legislature ... of its functions. To refute this it is but necessary to remark that at the recent session of ... the legislature 2,877 bills were introduced, that 956 of these passed both houses, and ... that 753 became laws. How utterly absurd, therefore, to think that the activity of the ... legislature thus evidenced could be duplicated by the people in their collective capacity. ... It is not intended and will not be a substitute for legislation, but will constitute that ... safeguard which the people should retain for themselves, to supplement the work of the ... legislature by initiating those measures which the legislature either viciously or negli- ... gently fails or refuses to enact; and to hold the legislature in check, and veto or nega- ... tive such measures as it may viciously or negligently enact. All objections finally and ... ultimately center in a distrust of democracy; in a challenge of the power of the people ... to govern themselves. The voters are to decide by the adoption, or rejection, of this ... amendment whether they will have a self-governing state, or whether they will have a ... government in which the people believe in themselves. It is the step which brings legislation ... the threshold of the individual and clothes him with the power to secure good laws by ... control over legislators and legislatures.

Are the people capable of self-government? If they are, this amendment should be ... adopted. If they are not, this amendment should be defeated.

LEE C. GATES, Senator, 34th District.
WM. C. CLARK, Assemblyman, 50th District.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 22 SHOULD NOT BE ADOPTED.

The "proposed initiative and referendum" amendment is, perhaps, the most important ... one submitted to the vote of the people by the last legislature. It should have the most ... earnest consideration of every voter, for it is so radical as to be almost revolutionary in ... its character. Its tendency is to change the republican form of our government and head ... it towards democracy, and history teaches that democracies have universally ended in ... turbulence and disaster.

The question for the voter to determine is whether legislation should be accomplished ... by means of representatives chosen by the people or by the people themselves. As our ... commercial and economic relations grow more complex, better legislation becomes a ... more difficult problem. It may be necessary to determine the effect of a given law ... before it is put into operation, or a particular community but its ramifications often extend ... beyond the vision of the legislator. Well-meaning laws not infrequently bring about results ... not contemplated. Thus, section 4 of article XIII of the state constitution of 1879 pro- ... vided for the assessment of mortgages, trust deeds, etc. The avowed purpose was to ... make the lender pay the mortgage tax.

Section 5 of the same article of the constitution made every contract by which a debtor ... was obliged to pay the tax null and void. The practical working of these provisions is ... well known to every borrower. Whatever the prevailing rate of interest the lender invari- ... ably demanded an additional three or four per cent to cover the tax. For years it ... was realized that this constitutional provision was working a hardship upon the borrow- ... ing public which always greatly outnumbered the lending public. Several attempts were ... made by the legislature to submit an amendment repealing this provision of the consti- ... tution. In 1907 such an amendment was submitted to the people and defeated at the ... polls by an overwhelming majority. In 1909 the repeal of this amendment was again ... submitted and carried in the November election of 1910. It was only after years of ... agitation, however, that this constitutional blunder was wiped out.

California has the referendum on all constitutional amendments. A study of the ... vote on constitutional amendments which have been submitted to the people is not ... reassuring to advocates of the initiative and referendum. At the last general election ... twelve amendments were submitted to the voters of this state and while 385,613 votes ... were cast for governor at a general election, the average vote for constitutional amend- ... ments was about 189,000. In round numbers, 300,000 voters in this state expressed a choice ... for governor, but did not have sufficient conviction on the merits of the constitutional ... amendments to warrant them in voting for or against these proposed organic laws. ... More than one half of the qualified voters of the state refrained from voting upon these ... constitutional amendments, and they were adopted or rejected by less than 50 per cent ... of the electors qualified to vote. It is conservative to say that 95 per cent of those who ... voted on the proposed amendments made no original research on the questions involved. ... In cities and towns it was the general rule for the voter to ask some one whom he sup-

objection has been made that these powers would deprive the legislature the right to refuse this it is but necessary to remark that at the recent session of 1877 bills were introduced, that 956 of these passed both houses, and laws. How utterly absurd, therefore, to think that the activity of the people evidenced could be duplicated by the people in their collective capacity. It would and will not be a substitute for legislation, but will constitute that the people should retain for themselves, to supplement the work of the legislature in initiating those measures which the legislature either viciously or negligently refuses to enact; and to hold the legislature in check, and veto or negative as it may viciously or negligently enact. All objections to the people in a distrust of democracy; is a challenge of the power of the people to elect their representatives, as to whether self-government is a success or failure to the people believe in themselves. It is the step which brings legislation to the individual and clothes him with the power to secure good laws by the legislators and legislatures.

Are we capable of self-government? If they are, this amendment should be defeated. If they are not, this amendment should be defeated.

LEE C. GATES, Senator, 34th District.
WM. C. CLARK, Assemblyman, 50th District.

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for the voter to determine is whether legislation should be accounted as a benefit to the community or as a benefit to the individuals. As our representatives chosen by the people grow more complex, the legislation becomes a more complex problem. It may be easy to determine what the effect of a given law will be on the individual or particular community, but its ramifications often extend to the community as a whole. Well-meaning laws not infrequently bring about results not intended. Thus, section 4 of article XIII of the state constitution of 1873 provided for the assessment of mortgages, trust deeds, etc. The avowed purpose was to pay the mortgage tax. The unintended result was that the constitution made every contract by which a debtor

the same article or the constitution that made the mathematical working of these provisions is pay the tax null and void. The prevailing rate of interest the lender invaded every borrower. Whatever the prevailing rate of interest the lender invaded an additional three or four per cent to cover the tax. For years it was that this constitutional provision was working a hardship upon the borrower always greatly outnumbering the loaning public. Several attempts were made to submit an amendment repealing this provision of the constitution. In 1909 such an amendment was submitted to the people and defeated at the overwhelming majority. In 1909 the repeal of this amendment was again carried in the November election of 1910. It was only after years of effort that this constitutional blunder was wiped out.

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one person practically voted fifty times on each constitutional amendment and referendum, therefore, do not express the conviction and judgment of the voters.

to each voter the serious consideration of the initiative and referendum
 al conclusion as to the merits or demerits of the initiative and referendum

right of our courts to pass upon the constitutionality of all statutes is firmly necessary inference from language employed in the federal constitution, decisions of Chief Justice Marshall. Section 2 of article I of the state con-

ideas that all political power is inherent in the people. If, in the exercise of they reserve to themselves the right to pass laws the statutes so passed will same force and have the same dignity as the constitution itself. The right the constitutionality of a legislative act or statute is vested in the courts, the safeguards enjoyed by the majority against the tyranny of the the doubtful safeguards enjoyed by the minority against the tyranny of the the declared null and void as being in conflict with any provision of the l. referendum. Thus, the safeguard enjoyed by the minority would, so far as the l. referendum statutes are concerned, be wiped out.

economic and commercial relations grow more complex, beneficial legislation more difficult. This is an era of experts and specialists in almost every field. The times demand fewer, more thoroughly considered, and more carefully

injury it may inflict as well as the evil it is intended to correct. The people

not the inclination or time to enter upon and complete such an investigation. Neither the merchant, the trader, the artisan, nor the laborer has the time to de-

study of these questions such as is necessary to become thoroughly informed. Unconsidered law is dangerous to the public good. A vote cast by an elector without a careful and thorough study of the law upon which he votes is an

made a careful and thorough study of the law. Making laws in this manner is with as fair a chance of being wrong as right. Making laws in this manner is fairly likened to requiring a jury to return a verdict without hearing all the

the court rendering a decree upon a hearsay statement of the law and the man would be willing to submit his personal or property rights to such a decree and it is just as hazardous to submit the making of laws which affect

and personal rights of all to so ill-advised a determination. It is not to be saner and safer to require of the legislature a more careful consideration of the rights of the people than to provide a new method for law-making which

all proposed laws rather than provide a new method for law-making which
 with a class of statutes largely the product of the public whim? Is it not re-
 asonable to suppose that preconceived notions, demagoguery, and prejudice will largely

the making of laws by means of the initiative and referendum system? The present constitutional amendment provides that a law may be submitted to the voters at a general election. Certainly, the voter will not have

ability of research necessary to enable him to form a mature judgment upon the facts submitted. His opinions must necessarily be formed from hearsay statements and selfish statements of opinion.

erous mouthings of demagogues, colored and sensish statements of representatives of corporate interests and the half-baked opinions of sensational newspapers prove that those opposed to the initiative and referendum do not trust the people

declaration of demagogues. The judgment of the people is almost invariably a hasty conclusion of the people is as often wrong. The elector, before

now often he has been led to an erroneous conclusion in public and private
the mistaken statements of well-meaning persons. In political matters

[illegible]

1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 26

1. *Chlorophyll a* (Chl *a*) and *Chlorophyll b* (Chl *b*) were determined using a spectrophotometer (Shimadzu UV-1601U) at 663 nm and 646 nm, respectively. The concentrations of Chl *a* and Chl *b* were calculated using the following equations:

At the same time it appears wise to extend this right not only to cities governed by charters, but also to counties governed by charters, if Senate Constitutional Amendment No. 6, providing for county charters, should be adopted by the people. In that case any county which may choose to elect its officials on a non-partisan basis may in its charter provide that "a higher proportion of the county's population shall vote." But it must be remembered that no chartered city nor chartered county can adopt this provision unless its citizens voting on the charter so decree.

Finally, if "majority rule" is expedient in large chartered cities, it is even more expedient in small unchartered cities, where a second election is a very small expense. Moreover, the present direct partisan primary law which at present, unless evaded, applies to these smaller cities and towns, is a very cumbersome and expensive method of selecting candidates. Accordingly, after this amendment has carried, the legislature will be able to give to these small unchartered cities and towns a thing that they very

eternal vigilance is required to avoid being led into error by designing persons as well as by those who profess to know when they do not.

(g) Every law before being enacted should be submitted to some forum in which it is subject to deliberation and amendment. Under the proposed initiative and referendum no amendment is possible, even though a law should be proposed containing a provision which is palpably unjust and vicious.

(h) The voter can much more readily and discriminately select honest representatives to make the laws than he can determine what laws are honest and beneficial to the whole commonwealth.

(i) The initiative and referendum are yet in the experimental stages. It takes many years, and often many decades, to determine whether an organic law is wise or unwise. The constitutionality of the initiative and referendum has not yet been adjudged or its wisdom established.

The supreme court of the United States may yet hold that this amendment is in conflict with that provision of the federal constitution which guarantees to each state a republican form of government. California might do well to watch and wait while Oregon, Oklahoma, and other states are experimenting with this radical departure from the government established by our fathers.

(j) The voter should remember that though the initiative and referendum may work satisfactorily in small communities, or in cities where the population is compact, it does not necessarily follow that it will be a success when applied to a commonwealth in which the interests are as varied and the population as large and the needs of the people as multifarious as they are in California.

Finally, inasmuch as the electors within the last few years have experienced a newly awakened interest in selecting their representatives in all matters of public trust, and inasmuch as a direct primary law has brought it within their power to absolutely select officers of their own choosing, is it not wiser to leave further experimentation alone until the results in those states which have adopted the initiative and referendum can be carefully studied?

LEROY A. WRIGHT, Senator, 40th District.

8. SENATE CONSTITUTIONAL AMENDMENT NO. 23.

CHAPTER 47.—Senate Constitutional Amendment No. 23. A resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new article thereto to be numbered article XXIII, providing for the recall by the electors, of public officials.

The legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that a new article be added to the constitution of the State of California to be numbered article XXIII thereof, to read as follows:

ARTICLE XXIII.

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election for a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; provided that if the officer sought to be removed was elected in the state at large, such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state. The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signatory shall add to his signature the place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his qualifications and that he is an elector of the county, or city and county, in which the petition is circulated.

"It is obviously possible that such decision may be erroneous in any given case, still the evil effects following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice." It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes.

In 1874 Mr. Justice McKinstry of our supreme court decided the case of *Houghton vs. Austin*, which declared unconstitutional the acts of the legislature of California providing for the collection of state taxes, and that decision led to the calling of the convention which framed our present constitution, and in the decision he states:

"It was suggested that a decision adverse to the respondent would be followed by widespread confusion and alarm, if not by an outburst of popular indignation.

"There may be those who assume that the judges of this court are utterly ignorant of the condition of the times in which we live; but we are willing to believe we have reached the condition of 'progress' when it is suggested by persons, however influential, that judges are to be driven from carrying into judgment their conscientious convictions of what the law demands, by suggestions of public hostility, encouraged, perhaps, by those who affect to regret that the courts should place themselves in opposition to the prevailing sentiment.

"We should be sorry if our sense of duty should compel us to join in a decision which was not sustained by an enlightened public opinion. In such case, whatever personal sacrifice it might involve, we should feel that we could not transfer the responsibility of our official action to others, however numerous or worthy of respect, without personal degradation; for, beyond every other consideration, is our obligation to serve the people, in this place, even against the wish of the people themselves."

Now if the "recall" was then an effective method for removing judges who render unpopular decisions, Mr. Justice McKinstry would surely have been "recalled," for that decision was very unpopular, but it was right and has been followed with approval by all the courts that have had occasion to refer to it.

The writer doubts if such expressions as quoted from that opinion would have been given by any judge elected at a "recall election." If this "recall" provision be adopted, would it not be in the teeth of human nature to expect a judge to render an unpopular decision, no matter how right it might be, if he is to be dragged from the bench by a "recall election?" What man worthy of the name would submit himself to the alternative of deciding a cause contrary to his conscience or suffer the disgrace of a recall by his fellow citizens. Who wants to be a judge under those conditions? Let us not ever adopt the principle that the judges are the agents and servants of the majority. Give to the majority the power to say that might is right, for the rule of might is tyranny; whether it is in the form of a ruler or a democracy. The unrestrained rule of the majority is as objectionable as that of the individual because it has all the evils of the former and has none of the virtues of the latter. This country should not be ruled by either, because there are limits beyond which neither the majority nor the individual may go. Abraham Lincoln in his first inaugural address said: "If by mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution; certainly would if such a right were a vital one."

A judge should be governed by law and decide accordingly, and he should be as independent of majorities as he is of individuals. It will be well for us to follow the advice of the master minds on this subject. Chief Justice Marshall, "the greatest judge with which Almighty God had ever adorned a bench or blessed a country," said in the Virginia convention in 1829, with reference to the tenure of the judiciary: "Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to control him but God, and his conscience?" I have always thought from my earliest youth until now that the greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, corrupt or a dependent judiciary."

Alexander Hamilton said: "The complete independence of the courts of justice is peculiarly essential in a limited constitution."

"This independence of the judges is equally requisite to guard the constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information and more deliberate reflection, have a tendency in the meantime to occasion dangerous innovations in the government and serious oppressions of the minor party in the community."

George Washington in his farewell address said: "Toward the preservation of your government and the permanency of your present happy state it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovations upon its principles, however specious the pretenses. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember especially that from the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable."

Abraham Lincoln said: "I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of current experience—to reject all progress, all improvement. What I do say is, that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive and argument so clear that even their great authority, fairly considered and weighed, can not stand."

We have followed a path blazed by able men. The constitution we live under is the greatest document ever drawn by the hand of man. Under it we have enjoyed unparalleled prosperity, and its crowning virtue is the check and balance system—the protection of the minority against popular clamor. The constitution acts the barrier, and before we depart from that path so well protected by settled principles and try a new route we ought to first have more and better reasons than have been so far advanced in favor of the "recall."

J. B. CURTIN, Senator, 12th District

Member appointed to write the argument against S. C. A. No. 23.

9. SENATE CONSTITUTIONAL AMENDMENT NO. 26.

CHAPTER 36.—Senate Constitutional Amendment No. 26, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding a new section to article VI thereof, to be numbered section 41, relating to appeals in criminal cases.

The legislature of the State of California, at its regular session commencing on the 2nd day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California by adding a new section to article VI thereof, to be numbered section 41, to read as follows:

Section 41. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 26 SHOULD BE ADOPTED.

The object of this amendment is to enable our courts of last resort to sustain verdicts in criminal cases unless there has been a miscarriage of justice, or, putting it in another way, its purpose is to render it unnecessary for the higher courts to grant the defendant in a criminal case a new trial for unimportant errors. It is designed to meet the ground of common complaint that criminals escape justice through technicalities. It will be noticed that the amendment provides that no new trial shall be granted in a criminal case unless on an examination of the entire case (including the evidence) the

twelve of the constitution of the State of California be amended so as to read as follows:

Section 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this state, for the transportation or conveyance of passengers or express matter, or freight of any kind, including crude oil, or for the transmission of telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water, or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly, to the public, and every common carrier, is hereby declared to be a public utility, subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; provided, however, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town, as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law; and provided, further that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the railroad commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith.

Section 23 of article XII, proposed to be amended as above, now reads as follows:

Sec. 23. Until the legislature shall direct the state, the following shall be the railroad districts. The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, De Norte, El Dorado, El Humboldt, Lake, Lassen, Madera, Mariposa, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one railroad commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one railroad commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one railroad commissioner shall be elected.

THE REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 47 SHOULD BE ADOPTED.

This amendment is designed to authorize the legislature to confer upon the railroad commission power to supervise and regulate public utilities and to fix the rates to be charged for commodities furnished and services rendered by public utilities. The term public utilities is so defined as to embrace every conceivable kind of public service, specifying the transportation or conveyance of passengers and express matter, and freight of any kind, including crude oil, or for the production, generation and telegraph messages, the production, generation, transmission, delivery or furnishing of heat, light, water and power, and the furnishing of storage or wharfage facilities. Briefly, the amendment proposes to extend the jurisdiction of the railroad commission to every kind of public service, excepting that furnished by municipally owned plants. As to the necessity and propriety of public regulation of public service corporations there can be no argument. The only question which can be presented in considering this amendment is whether regulation should be state-wide or local. The time has come when the state, for the protection of the public at large, must undertake the regulation of stock and bond issues by public service corporations. This is a function which can be exercised by the state alone, and since it is inseparably connected with the matter of rate regulation it should follow absolutely as a logical proposition that the matter of rate regulation should be the subject of state control as well.

Experience in other states in which public utilities have been subjected to state control has shown that the engineering force and the corps of experts required to ascertain the facts necessary for intelligent action on the part of the regulating body, are more efficient if they have to deal with every public utility in the state regardless of its size or the size of the city in which it operates. There is also economy in the system proposed since the same experts which serve one city will serve every city in the state, and the cities will thus be relieved of the necessity of employing high salaried experts and assistants. Furthermore, the system will remove public utilities from the sphere of local politics, and their influence will cease to be a source of public corruption. The action of an impartial central body is more intelligent and just than the actions of the governing bodies of the cities concerned. Courts are inclined to look upon the findings of such central bodies on questions of fact as binding in the premises. Public service corporations themselves are reluctant to challenge the orders of such boards because the findings of fact upon which such orders are based are the result of careful and painstaking investigations by technical experts. The uniform accounting systems provided for by the laws of many of the states requiring the accounts and records of every public service corporation to be kept and rendered in a particular manner and to be approved by the commission, and providing that such accounts and reports shall be public, have enabled the corporations to compare the results of their operations with one another and many economies in expense have resulted, beneficial alike to the corporations and the public. Such a system will be established in California if the amendment is adopted.

By the terms of the amendment proposed the right of the legislature to confer powers upon the railroad commission regarding public utilities is expressly made unlimited. Upon the passage of laws by the legislature conferring powers upon the commission all similar powers theretofore vested in local governing bodies of the state shall cease. As to incorporated cities it is provided that power to regulate and fix rates shall also be cast at an election to be held in the manner to be prescribed by the legislature. It is deemed advisable since our cities are now possessed of certain constitutional powers to the arbitrary revocation of which they might be reluctant to submit. Cities are more or less averse to the advantages of central regulation over local regulation, but results identified with local regulation boards, certain in the judgment of persons prominently identified with local regulation boards, that within two years from the adoption of the amendment every city in the state will have relinquished its powers to the state board.

The further provision that a city having relinquished its powers may thereafter reclaim them by popular vote, was inserted in the excess of caution, lest the people of a city might fear that in favoring state control they were giving away powers which they could not reclaim in the event that state control proved ineffectual. The system of state control has, however, justified itself in every state where it has been tested, notably in New York and Wisconsin, and as California conditions do not differ materially from those obtaining elsewhere it will inevitably justify itself here.

As a measure of economic reform we deem this to be one of the most important amendments to be voted upon by the people, and we believe that it will be ratified.

LESTER G. BURNETT, State Senator, 25th District.

W. A. SUTHERLAND, Assemblyman, 61st District.

Committee appointed under the law to present the amendment to the people of the State of California.

electric light and water companies, a replaced, is a perpetual source of public dissatisfaction, for the collection of damages for injuries suffered thereby is a remedy rarely done in the first place, thus proving right to sue for an indemnity or collect one instance of the defects of the several cities with scant success, to be laid before streets are paved. It can wait upon their own pleasure in the sooner is a costly pavement laid or other forthwith begins, by the tearing constant source of public inconvenience growth of the want of authority in the work must be done "under the hand" this should be a sufficient protection to entirely. The city should have the power and how it shall be done, and to regulate public inconvenience. If this amendment companies will be required to observe by the municipality before and while poles or stringing wires, and any other be a failure.

Considering now the proposed amendment, we urge the following in question whether municipalities may tence of the amended section is a cor Under the authority granted by this: playing their inhabitants with light, wire or other means of communication, of existing plants. The right of individual utilities will not be taken away, but streets must be in accordance with such charters. The right to regulate charge important provision authorizes any of its boundaries; but it can not furnish municipality owning or operating without the assent of such other mun This amendment is offered for the acquiring and operating those utilities and for the purpose of placing individual services under reasonable control by the evils that have been referred to.

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15. ASSEMBLY CONSTITUTIONAL

CHAPTER 68.—Assembly Constitutional Amendment No. 15, a resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new article thereto to be numbered article XXIII, providing for the recall by the electors, of public officials.

Resolved by the assembly, the senate of the State of California, at its regular session, commencing on the second day of January, 1911, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby propose that section of California shall be amended to read:

Section 7. The governor, the superintendent of the State Normal School, and the professor of the State Normal School, shall constitute a cause to be compiled, and adopt a uniform system of schools throughout the state, to be printed, and published by the state office; and when so printed and published, printing, publishing and distributing the in use not less than four years, without require or necessitate the purchase of shall perform such other duties as may vide for a board of education in each; and the county boards of education shall the granting of teachers' certificates to

Section 7 of article IX, proposed to be amended to read: Sec. 7. The governor, the superintendent of the State Normal School, and the professor of the State Normal School, shall constitute a cause to be compiled, and adopt a uniform system of schools throughout the state, to be printed and published by the state office, and when so printed and published, printing, publishing, and distributing the in use not less than four years; and a may be prescribed by law. The legislative county in the state. The county superintendent have control of the examination of within their respective jurisdictions.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15 SHOULD BE ADOPTED.

Amendments to the constitution of the state must be approved or rejected by the referendum, which means a more regular laws or acts of the legislature.

Assembly Constitutional Amendment No. 15, proposed to be adopted by the state board of education. The advisability of approving this amendment is a question of the protection of every parent of school children who is necessary. It means the protection of the state's financial interests, and the protection of the state's educational system. History and geography teachers can not give proper instruction in the other lines of study. Elimination of the non-essential subjects of the curriculum is a necessary step in the free text-books to all children. The payment of \$41,175.30 in annual cost of manufacture in the state printed California can rightly boast of its universities are among the best in the states in one most important point, the elementary grades by furnishing wisdom of making it possible, at all the more expensive educational system schools, California among them. Yet pupils, as do many of our other progressive states, do not furnish a true education. This state does not furnish a true education. The non-essential subjects of the curriculum are the subjects of common schools with not too frequent and not enough cost. This constitutional amendment, to

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 23 SHOULD BE ADOPTED.

The approval by the electors of Senate Constitutional Amendment No. 23, conferring upon the people the right to recall any elective officer of the state, is an essential step in the movement to place the government in the hands of its people.

Its provisions. By its provisions it enables about 46,000 voters (12 per cent of the vote cast at the last election for governor) to require a public servant, who has held his office at least six months and whose stewardship is questioned by them, to submit the question of his continuance in office to a vote of the electors.

If a majority of all voting at the election say that their servant is unfit to serve them longer, he is thereupon recalled. Unless a majority shall vote for his recall he remains in office. A 20 per cent petition is required to institute recall proceedings against a state officer elected from a district of the state.

Its purpose. This recall amendment is intended to introduce into public life, what is recognized as indispensable in private and business life, viz.: The power to remove a dishonest, incapable, or unsatisfactory servant. No private partnership or corporate employer could conduct his or its business successfully without this right of recall. Why then should not the public whose business is vastly more important than private enterprise be permitted to possess this power for its protection if occasion should require?

Very few persons question the wisdom of the power of recall over executive and legislative officers. But as to the judiciary, its wisdom and expediency is questioned by some, upon the ground that judges should be free, fearless, and independent and beyond the power or influence of the public will.

Judiciary, branch of government. The judiciary is but an agency of government created by the people for their service, and if its members fail to serve this purpose and prove dishonest, incapable, or unsatisfactory in their duties or to the rights of the people, the people should have the power to remove them. Indeed, if the people have this power, then the judges are no longer the servants of the people, but their masters. The people now elect the judges, in the first instance, without any knowledge of their fitness or capacity; why should they not have the power to remove them after they have been tried and found wanting? In fact, every reelection of a judge is in the nature of a recall.

Judges legislate. It is freely admitted that legislators should be subject to the power of the recall. But judges, especially those of the supreme court, by construing the acts of the legislature, interpreting their provisions and declaring the meaning and scope thereof, perform acts of legislation as truly as does the legislature. In fact, when the vast number of such constructions and interpretations, to be found in the reports, are taken into account it will be seen that a very material part of the legislation of the state and nation finds its origin in the courts. In addition, no laws passed by the legislature can operate if not sanctioned by the courts. In truth, so overshadowing is the control of the judiciary over legislation that it is almost a misnomer to speak of the legislature as the law-making branch of the government. For the power to interpret is the power to amend. The power to construe is the power to construct. Therefore, if legislators shall be recalled for enacting bad laws, shall not also the judicial legislators be recalled for making bad law through improper or corrupt decisions?

People supreme. The people are the source of all power. All government is their creation. Constitutions and laws are also their creation. All are but a means to an end. That end is to preserve liberty and to protect life, person, and property. The preamble to the federal constitution declares, "We, the people of the United States . . . do ordain and establish this constitution"; while our state constitution says: "Sec. 2, Art. 1. All political power is inherent in the people." But when a supreme court has spoken what redress has the people? None. However wrongful, however violative of public rights the decision may be, the people are powerless. Witness the income tax case rendered sixteen years ago. The court has supreme power, not the people.

Government divided into departments. Our government is divided into three coordinate branches: Executive, legislative, and judicial. The federal constitution says, "Sec. 1, Art. 1. All legislative powers herein granted shall be vested in a congress of the United States which shall consist of a senate and house of representatives."

Our state constitution says: "Sec. 1, Art. 4. The legislative power of this state shall be vested in a senate and assembly which shall be designated the legislature of the State of California."

Nothing in either section granting legislative powers to the courts. But so complete has become the control of the judiciary as to what shall be the law that no lawyer will with certainty declare what a statute means until the supreme court has construed, interpreted, amplified, or actually repealed the same by declaring it void. And this power to override the legislative or executive branches of government may be, in fact, in nearly all cases, exercised by a divided court; for example, in the income tax case, five justices decided the case, thus overruling the other four members of the court, overruling former decisions of the court, overruling the congress which had passed the act, and the president, who had approved it. Indeed, it may be said that the one justice who cast the deciding vote, did all these things alone. And this is the branch of government that stands superior to the people.

Courts usurp. To prove the power and disposition of the courts to usurp legislative powers, it is but necessary to cite the recent decision by the supreme court of the United States in the Standard Oil case where Justice Harlan in his dissenting opinion says: "Now, this court is asked to do that which it has distinctly declared it could not and would not do, and has now done what it then said it could not constitutionally do. It has by mere interpretation modified the act of congress and deprived it of practical value as a defensive measure against the evils to be remedied."

Again he says: "It remains for me to refer, more fully than I have heretofore done, to another, and in my judgment—if we look to the future—the most important aspect of this case. That aspect concerns the usurpation by the judicial branch of the government of the functions of the legislative department. The illustrious men who laid the foundations of our institutions deemed no part of the national constitution of more consequence more essential to the permanency of our form of government than the provisions under which were distributed the powers of government among three separate, equal, and co-ordinate departments—legislative, executive, and judicial."

Again, "Nevertheless, if I do not misapprehend its opinion, the court has now read into the act of congress words which are not to be found there, and has thereby done that which it adjudged in 1896 and 1898 could not be done without violating the constitution."

Again, "After many years of public service at the national capital, and after a somewhat close observation of the conduct of public affairs I am impelled to say that there is abroad in our land a most harmful tendency to bring about the amending of constitutions and legislative enactments by means alone of judicial construction. As a public policy has been declared by the legislative department in respect of interstate commerce, over which congress has entire control, under the constitution, all concerned must patiently submit to what has been lawfully done, until the people of the United States—the source of all national power, shall, in their own time, upon reflection and through the legislative department of the government, require a change of that policy."

Initiative and referendum powerless. The people will doubtless adopt Senate Constitutional Amendment No. 22 giving themselves the initiative and the referendum, but if the courts retain the power unchecked to undo their effect these powers will be rendered valueless.

Courts must be respected. Respect for the courts must be maintained. But the courts must also respect the rights of the people by upholding human rights, even though it be necessary to set such rights above property rights, for in the end human rights must stand superior to all others. Judges are but human. They do not become more than human when elevated to the bench. The ermine may conceal, but it does not obliterate, the frailties or vices of the wearer. The recall will not make the strong judge weak, nor the weak judge strong. Nor will it swerve the honest and courageous judge one jot or tittle from his true and proper course. It will not terrorize our courts.

Impeachment useless. Impeachment is wholly ineffective, as has been shown by the experience of this state, only one judge ever having been removed, though several attempts have been made under most trying cases.

Recall now in the constitution. A legislative recall (in addition to impeachment) has been in our constitution since 1879, for by Sec. 10 of Art. VI it is provided, "Justices of the supreme court and of the district court of appeal, and judges of the superior courts may be removed by concurrent resolutions of both houses of the legislature." Similar provisions are found in the statutes and constitutions of at least twenty-five other states, while Massachusetts has had the following in her constitution since its adoption in 1780: "Subd. 1, Art. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and are at all times accountable to them."

"Subd. 1, Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have the right, at such periods and in such manner as they shall establish by their form of government, to remove their public officers to return

The proposed constitutional amendment was unanimously adopted by the California legislature. If it is adopted by the people it will go far toward improving our system of criminal procedure.

A. E. BOYNTON, Senator, 6th District.

This amendment, commonly called the Boynton amendment, is designed to render it impossible for the higher courts to reverse the judgments of our trial courts in criminal cases for unimportant errors. It is designed to meet the ground of common complaint that criminals escape justice through the technicalities of the law. It will be noticed that the amendment provides that no new trial shall be granted in a criminal case unless on an examination of the entire case (including the evidence) the error has resulted in a miscarriage of justice. The rule in California in the past has been that an error, committed in the course of the trial, must be presumed to have been prejudicial and a new trial must be granted. It matters not how guilty the party may be, and oftentimes when the result would have been exactly the same if the error had not been committed.

This amendment would permit a new trial only when the error itself results in a miscarriage of justice. The supreme court has held in 21 Cal. 344 that it is a fatal omission to fail to state in an indictment for robbery that the property taken is not the property of the person charged, although the very word "robbery" itself conclusively implies this. In 56 Cal. 406 a conviction was set aside because the letter "n" was accidentally omitted from the word "robbery," though it is probable that the person in the wide world would have had any doubt as to the word intended. In 137 Cal. 590 a conviction for murder was set aside because the indictment failed to state that the man killed was a human being. In 62 Cal. 309 a conviction of murder was reversed because the trial court permitted a surgeon who had examined the wounds to testify as to the probable position of the deceased when the fatal shot was fired. This was in line with the doctrine announced in 47 Cal. 114 that "every error in the admission of testimony, if it is material, is a ground for reversal." The contrary authority, however, judges of long experience declare that it is almost wholly beyond human skill, for the most able and conscientious judge, in the course of a long and busy trial extending over days or weeks, to avoid trifling inaccuracies now and then in the thousand and one rulings that they are compelled to make on the spur of the moment.

The object of the amendment is to cure all such inaccuracies, and compel decisions in accord with the actual justice of each particular case. The greatest injury arising from the present system is not the technical reversals, but it is the constant burden under which trial courts labor, by reason of the technical rule above stated. Every judge knows that a new trial always means great expense and generally ends in an acquittal. They are, therefore, compelled, in order to save some justice for the people, to rule almost every point unfairly against the people and in favor of the accused. This amendment would be a great help in the administration of the law by enabling judges to rule as freely in behalf of one side as the other, and in its fairness stop the growing impression that our judicial decisions are based on technicalities, and not on justice.

E. S. BIRDSALL, Senator, 3d District.

10. SENATE CONSTITUTIONAL AMENDMENT NO. 32.

CHAPTER 66.—Senate Constitutional Amendment No. 32. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by adding to article XX a new section to be numbered section 21, relating to compensation for industrial accidents.

The legislature of the State of California at its regular session commencing the second of January, 1911, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California.

Article XX is hereby amended by adding a new section to be numbered section 21 and to read as follows:

Section 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 32 SHOULD BE ADOPTED.

The above proposed constitutional amendment adds a new section to article twenty of the constitution, and is intended to empower the legislature to pass laws for the settlement of accident cases on a compulsory compensation scheme, regardless of the fault of either party as against the present existing law for settling disputes in courts. At present the method of adjusting accidents where no compromise is reached by the parties, is by an expensive, hazardous, unsatisfactory lawsuit, which creates friction and ill feeling between employers and employees and ends with no satisfactory result to either party. The proposed constitutional amendment is to pave the way for laws leading to a rapid, scientific and satisfactory settlement of accident cases out of court, and with a little friction and expense, and with the most productive results possible. Economists, jurists, moralists, employers and employees all frankly admit that the present plan of litigation is economically unsatisfactory and bad to both the employer and the employee, and morally unfair and harsh to the latter, as he is compelled to bear the entire financial and physical shock and cost of accidents. Therefore the necessity for change to a compensation system is not a matter of controversy, but is an admitted fact.

Statistics show that from 1894 to 1905 the employers of this country paid to accident insurance companies in round numbers about \$19,000,000 in premiums for accident insurances; 43 per cent of this sum was paid out by the various companies upon compensations and judgments, and 30 per cent of the above sum finally reached the injured men, showing that the expenses of this system of compensation consumed 70 per cent of the \$100,000,000, while but 20 per cent of it went towards compensation for injuries. It has been conservatively estimated that the above sum of \$100,000,000 would have paid a reasonable compensation for all the accidents which happened during that entire period in all of the industries carrying that insurance; therefore if a less wasteful method of compensation had been employed the injured men would have been reasonably compensated for their loss and suffering, and the employers would not have spent a single cent more than they did for industrial accident insurance. It is safe to say that every employer would have far preferred to see this money go to their injured men than to the insurance companies.

The above proposed amendment seeks to make the risk of accidents so certain and definite that the employee is always compensated—except in case of wilful conduct—and the employer can scientifically add the cost of his accidents to the costs of production and carry it on to the consumer to be thereby ultimately borne by society. The loss by accidents is to be counted the same as loss through depreciation of machinery or breakages or insurance against fire, all of which are now carried as standard expenses of production by every industry.

The present law prohibits any compulsory scheme for compensation for accidents out of court by arbitration, industrial accident boards, etc., as it is construed by courts to be a taking of property "without due process of law." The recent employers' liability act was made elective to avoid this constitutional objection. The proposed amendment is intended to remove this constitutional prohibition and will empower the legislature to enact a compensation law that may be compulsory on all employers. This is the sole object of the proposed amendment. By reducing the range of compensation to certain amounts by abolishing the risky jury verdict, by a settlement without the long delays and great expense of court litigation, by providing for immediate pecuniary relief to the injured, a compulsory workmen's compensation law which may be enacted by the legislature—if this amendment is adopted—would be a great economic and moral gain to both the employers and the employees of this state. It is a line of reform which is being urgently demanded by all classes and rapidly adopted by the federal government and numerous states, after thorough and scientific investigation, hearings, and reports, and will be one of the most progressive reform measures ever adopted in this state. It will pave the way for ultimate state insurances against industrial accidents—a thing to be greatly desired. It is earnestly hoped that the amendment will pass by a large majority.

LOUIS H. ROSEBERRY, Senator, 33d District.

This proposed amendment, if adopted at the coming election October 10, 1911, will add a new section 21 to article XX of the state constitution, to read as follows: "The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number of such boards, and for the compensation of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

Section 81 of article XI, proposed to be amended as above, now reads as follows: SEC. 81. It shall be competent, in all charters framed under the authority given by section eight of article XI of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, compensation and government of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article XI, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 48 SHOULD BE ADOPTED.

This amendment was introduced by Senator Beban at the request of Charles Wesley Reed, an attorney of this city. After its introduction certain changes in the proposed amendment were submitted by me and incorporated therein. The argument favoring the adoption of this amendment is based upon the following facts:

In subdivision 1 the words "for the qualifications" are added to enable municipal charters to provide qualifications for police judges which may be deemed necessary on account of the particular duties they perform in the enforcement of municipal ordinances and regulations.

In subdivision 2 the words "for their qualifications, compensation and removal" are added for the purpose of permitting municipal charters to prescribe qualifications for members of city boards of education in addition to those prescribed by general laws. Also to permit such municipalities to fix the compensation of the members of municipal boards of education, which compensation is a charge upon the city. The word "removal" is added to eliminate the contention that a member of the city board of education, being a part of the state school system, is a state and not a municipal officer and that such member can therefore be removed from office only in accordance with the provisions of the state law. This question was recently raised in the attempted removal of our local board of education, and the superior court held that the provisions of the charter authorizing the mayor to remove all appointive officers did not apply to members of the board of education for the reasons above stated.

In subdivision 4 the words "for the manner in which and the times at which any municipal election shall be held and the result thereof determined" are added for the purpose of making the municipal election a purely municipal affair and for the further purpose of validating the provisions of municipal charters adopting the so-called commission form of government, with initiative, referendum and recall provisions, together with a majority vote rule, such as now exists in this city, Los Angeles, Oakland, Berkeley, and I believe, in a great many other small cities of the state.

In the last paragraph the words "and municipal officers and employees whose compensation is paid by such city and county excepting judges of the superior court" are added for the purpose of making the election, term of office, and compensation of all officers or employees whose compensation is paid by a consolidated city and county, a purely municipal affair irrespective of the provisions of the state law regarding either the appointment, term or compensation of such officers. The only exception is as to judges of the superior court, who, of course, do not come within the classification of either county or municipal officers. The exception, however, is put in for the purpose of eliminating any contention that such officers as probate officers, superintendent of schools, school teachers, or others connected with the school department are not subject to the provisions of the charter.

The words "and for their recall and removal and" need no explanation. The words "clerks and other employees" are added for the purpose of eliminating the contention that the provisions of the charter referring to the appointees of city and county officers apply only to such as are designated "deputies" and not to those that are merely clerks or employees. The words "method of appointment, classification, and tenure of office" are added for the purpose of authorizing municipal charters to apply the so-called civil service or merit system of appointment and removal to all deputies, clerks, and employees of the consolidated city and county, whether they be deputies or employees of a county or city officer, and thus avoid the prohibition contained in section 16 of article XX of the constitution against any term of office exceeding four years unless otherwise provided for by the amendment.

The final clause of the amendment "all provisions of any charter of any such consolidated city and county heretofore adopted and amendments thereto which are in accordance herewith are hereby confirmed and declared valid" are added for the purpose of validating and confirming all charters which have heretofore been adopted containing any of the provisions above discussed. That is to say, to validate and confirm all of the recent amendments and new charters containing initiative, referendum and recall provisions, as well as such charters as now provide for the civil service system of the officers and employees. This last, of course, applies only to the city and county of San Francisco, it being the only consolidated city and county.

JOHN W. STETSON, Senator, 15th District.

14. SENATE CONSTITUTIONAL AMENDMENT NO. 49.

CHAPTER 67.—Senate Constitutional Amendment No. 49. A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 19 of article XI relating to public utilities.

The legislature of the State of California, at its regular session, commencing on the 2nd day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California so that section 19 of article XI of said constitution shall read as follows:

Section 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services

increase the book adopted would cost the publisher making here no charge. The publisher believes that too frequent change necessary for school books, and its situation, have declared against the use of copyrighted books. For the use of copyrighted books, the copyright or sells it to the state the more books sold, the greater the profit. June 30, 1910, the people of this state over \$75,000.00 went for royalties. \$256,000.00 were paid by the parent companies. It is to these companies that Hyatt that "a policy of no change extreme," and that to the people who pay the royalties to the publishers who receive the royalties. It is undoubted, against "the popular gant." It is equally unfortunate to this amendment, and to all violent opposition. It is because of the less effectively. The campaign suffer by the present condition, and them to wage that campaign for it other circumstances permit.

16. ASSEMBLY CON-

CHAPTER 53.—Assembly Constitution of the people of the State of California a of the constitution of the State of its powers and duties.

The legislature of the State of C second day of January, one thousand bers elected to each of the two hous proposes to the people of the State of the constitution of the State of Calif

Section 22. There is hereby creat members and which shall be known. The commission shall be appointed b the legislature, in its districts, may appointments, said districts, to be provided further that the three commis shall serve out the term for which the shall be appointed by the governor l office during the same term. Upon commissioner thereafter shall be six under after such expiration, one of v 1917, two until January 1, 1919, and the office of commissioner shall occur son to fill the same for the unexpired shall, at the beginning of the term, fill vacancies, shall, immediately up offices. The legislature shall fix the salaries of the commissioners, t by law. The legislature shall have t to each house, to remove any one or of duty or corruption or incompetenc of this state, and no person in the e firm of corporation, which said pers railroad commission and no person s in any manner pecuniary interest railroad commissioner. No vacanc) maining commissioners to exercise a ty of the commissioners when in e commission; but any investigation, l undertake or to hold may be undert for the purpose by the commission, i pursuant to such inquiry, investig commission ordered filed in its offi.

Said commission shall have the p tion of passengers and freight by railroad or other transportation co greater or less or different compens or for any service in connection t rates, established by said commissi filed in such tariff. The commissi records and papers of all railroad a mine complaints against railroad a and all necessary process and send of the commissioners shall have th ish for contempt in the same man commission may prescribe a unifor other transportation companies.

No provision of this constitution of the legislature to confer upon t kind of different from those confer conferred upon the railroad commissi legislature to confer such additional l ited by any provision of this consti The provisions of this section sh existing law not inconsistent herer approved February 10, 1911, shall l vision and any other constitutiona And the said act shall have the s after the adoption of this provision concurrently herewith, except that held and construed to be the five co

Section 22 of article XII, propos Sec. 22. The state shall be divid practicable, in each of which one electors thereof at the regular gube and whose term of office shall be fo day of January next succeeding the of this state and of the district fro any railroad corporation, or other attorney or employe; and the act o act of said commission. Said com duty, to establish rates of charge railroad or other transportation co such changes as they may make; t and other transportation companie subengans and all other necessary r roads and other transportation co barks, take testimony, and punish manner and to the same extent as abuses through the medium of a system of accounts to be kept by a poration or transportation company shall be established by such commi fall to keep their accounts in acco shall be fined not exceeding twent agent, or employe of any such corp in excess thereof, or who shall in a fined not exceeding five thousand the year. In all controversies aris by said commission shall be deem

"Subd. 1. Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have the right, at such periods and in such manner as they shall establish by their form of government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments."

Recall to be made direct. By the present amendment it is now proposed to substitute this direct recall, in lieu of the indirect recall already provided for in our constitution, as the people of this state have substituted the direct nomination of candidates for office in lieu of the indirect method formerly in vogue. Having the right "to hire," the people should also have the right "to fire."

Recall will be sparingly used. Experience has shown that the recall will not be lightly sought nor triflingly applied. The sense of fair play, and the fear of offending a judge, who if not recalled would be all-powerful to punish lawyer and layman appearing in his court, will effectually deter men except in most flagrant cases, from instituting recall proceedings against judges. In the city of Los Angeles it has been used but twice since its adoption in 1906, and only once with success, though under aggravated circumstances wherein public sentiment was fiercely aroused. In Oregon it has been in operation since 1908, but no judge has been removed. In Washington it has been used only in case of flagrant abuse of power and when as a last resort it became necessary to protect the people against the most wilful violation of decency and good government.

Laws enacted and construed, how. Laws henceforth under the enlarging powers of the people will embody the will and spirit of the people; in fact, will be what laws should always be—a transcription of the will, wisdom, and spirit of the people and of their times. Enacted in this spirit they must be interpreted, construed, applied and enforced in like spirit, or self-government is wholly lost or gone widely astray. The recall will quicken the judiciary with the spirit of the law and instill the same wholesome respect for the rights of persons as for the rights of property and to a determination of the questions presented, in the light of to-day rather than in a slavish adherence to the precedents created under conditions now obsolete and outworn.

Shall the people govern? All objections to the amendment may be summed up in the charge, "The people can not be trusted." This is an insult to the California electorate. The people can be trusted. They are just, patient, and long suffering, and in the end wise. Inflated egotism may cry out against the "Rule of the Mob," and the "Tyranny of Majorities," but if self-government is to continue it is to do so by upholding the rule of the people. Are the people capable of self-government? If so, the recall must be theirs to enable them to enjoy self-government.

Without recall judiciary is supreme. No branch of the government should be greater than the government itself. The creature should not be superior to the creator. Without the recall the judiciary has supreme, arbitrary power. From its final decrees there is neither escape nor appeal and our boasted republican government has become a judicial oligarchy—a judicial despotism.

LEE C. GATES, Senator, 34th District.
WM. C. CLARK, Assemblyman, 50th District.

REASONS WHY SENATE CONSTITUTIONAL AMENDMENT NO. 23 SHOULD NOT BE ADOPTED.

The proponents of this new idea of "recalling" an elected officer before his term expires, base the right so to do upon the proposition, that as the majority elects the officer, the majority can remove him after election if his actions fail to meet with the approval of the majority. If the grounds for the "recall" were those of misconduct, malfeasance or corruption, this roundabout way of accomplishing the desired result would have more to commend it to the rational mind, but the proposed amendment requires no charges of misconduct, malfeasance or corruption on the part of the officer, but just because he fails to perform some act, the performance of which would be popular, a movement to "recall" him can be started, and he is required in self-protection to defend against any attack made against him, and in so doing he must of necessity neglect the duties of his office, or else he may be "recalled," and on the official ballot that the voter will receive and to be voted in the election, the officer is allowed to have printed only three hundred words in his behalf.

Such a proceeding ought to find but little favor in the public estimation. While there is no property right in an office which the incumbent can claim protection for, yet to concede that the majority can remove an officer just because he is not suitable to them, is to concede that the constitution and laws of the land do not bind the majority, and to illustrate: Suppose a bill is introduced in the legislature, and it is very popular, but it is believed by a minority to be in violation of the constitution, and on that ground some member declines to vote for it, he is at once the victim of the "recall" just because he observed his constitutional oath, and if he be "recalled" and a successor is elected, that successor is elected on a pledge to vote for that law whether it be constitutional or not because he has seen the fate of the man who dared to vote against it, and if that law comes before the judiciary for enforcement what fate awaits the judge who dares to declare the law unconstitutional? He, too, would be "recalled." We, therefore, to favor the "recall" must agree that the constitution is not to be observed by the majority, and if any officer, executive, legislative or judicial shall stand upon the constitution and enforce its provisions he will be "recalled." Can a government so conceived and so constructed long endure?

If the majority are to control and can control the actions of an elected officer this then is tyranny—"the end of all things." Such a practice can be enforced only by force of arms, and the constitution which guarantees that the law that operates upon one man shall operate equally upon all, affords no protection and it no longer remains "an ark of covenant, wherein no man may lay rash hands." Now, while the "recall"—this new-born expedient has little to commend itself when applied to executive, administrative or legislative offices, the idea of applying its provisions to the judiciary is to my mind but little short of anarchy, for it means the turning over of the judiciary to the agitator and the mob. If the judge is to be "recalled" for rendering a decision, who finally is to decide the case? The judge elected at the "recall election" or the people themselves? Who is to write the decision? The people can not write the decision. The decision written by the "recalled" judge must stand until reversed. What then is to be gained by this new idea? Any person who ever read the proceedings of the convention which framed the federal constitution must admit that the independence of the judiciary was the one thing which nearly every delegate agreed upon. When it was proposed that all laws passed by congress should first be passed upon by the supreme court, the proposition was almost unanimously rejected, because the court should be free to pass upon the law when the test was applied and not before. When the tenure of the judiciary was under consideration it was proposed that the judges hold at the pleasure of the appointing power, and this was rejected because it was likely to subject them to the domination or influence of the appointing power, and this could not be tolerated. Such tenure of office places the officer in the relation of master and servant. When such a relationship exists the servant is without independence. He can not act as his conscience dictates, but do as the appointing power directs under the penalty of dismissal. It was finally agreed that the judges should hold office during good behavior, thereby giving them more independence than they would have if given a fixed term. The independence of the judiciary has been the corner stone upon which the superstructure of this government has been reared to its present splendid eminence, and the independence of the judiciary ought to be forever maintained.

The history of our country is replete with instances where courts have rendered unpopular decisions, but those decisions were according to the constitution and laws as the courts understood them, and those decisions have stood the test of reason. In December, 1856, Chief Justice Taney of the United States Supreme Court, decided the Dred Scott case, which in effect would permit slavery to exist in the free states, and it was a most unpopular decision and did much toward bringing about the war with the south, yet it has stood the test of reason and the principle of law there declared—that a man who owned property in one state did not lose it if he brought it into another state—has never been departed from. Had the "recall" of the judiciary been in vogue then, there is little doubt but what some "progressive" citizens would have started the principle of law, which Chief Justice Taney would have been "recalled," and that great noble or any other personal property from one state into any other state to which he desired to go, would not now be the rule. Our "progressive" friends did not have Abraham Lincoln advocating the "recall" of Chief Justice Taney, for in his inaugural address delivered March 4, 1861, with reference to that very decision, he said:

"add a new section 21 to article XX of the state constitution, to read as follows: 'The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section by arbitration or by an industrial accident board, by the courts, or by either, any or all of these agencies, anything in this constitution to the contrary notwithstanding.'"

The object of this amendment is twofold: First—To permit the legislature, so far as it is possible for a state to do, to increase the liability of all employers for accidental injuries to their employees so as to cover all accidents, irrespective of the fault of either party. This part obviates all objections with respect to due process of law and the taking away of the property of one person for the benefit of another person where the former at common law owes no duty to the latter. Second—To permit the legislature to delegate judicial power to an administrative board which may be composed of representatives of the employers and the employees. Under this new section it will be possible for the legislature to enact compulsory compensation laws, and administer them without the interference of the courts, and dispose of all cases quickly and economically to the advantage of all parties concerned.

RICHARD J. WELCH (author), State Senator, 19th District.

11. SENATE CONSTITUTIONAL AMENDMENT NO. 45.

CHAPTER 63.—Senate Constitutional Amendment No. 45. A resolution proposing to the people of the State of California an amendment to the constitution of the state amending section 16 of article XX relating to term of office.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session commencing on the second day of January, A. D. 1911, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section 16 of article XX of the constitution of said state be amended so as to read as follows:

Sec. 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; and provided further, that the term of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall not be limited by this section.

Section 16 of article XX, proposed to be amended as above, now reads as follows: Sec. 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 45.

The proposed amendment seeks to amend article 20, section 16 of the constitution by empowering the legislature to pass laws governing the civil service of the state and the political subdivisions thereof. Under the existing form of this section of the constitution, the legislature is prohibited from creating a term of office in excess of four years. This, of course, would forbid any civil service regulation extending the term of any public officer beyond four years, and during good behavior. The proposed constitutional amendment is intended to remove this restriction and to permit of a civil service law governing all public civil employments under the state or any political subdivision thereof. Of course the main object sought to be accomplished by a civil service law is the abolition of the spoil system and the institution of the merit system in public offices. The purposes of a civil service law and the results which have followed its adoption elsewhere are as follows:

1. It will secure a higher class of employees who are experts in their various departments.
2. It will exclude the unfit employee.
3. It will stop the creation of useless additional offices for patronage purposes.
4. It gives every qualified citizen an equal chance to enter public service.
5. It will stop political influence affecting the work of public servants, and thereby conserve public property and rights.
6. It very greatly reduces the cost of administration.
7. It will materially raise the efficiency of public service.
8. It frees public officers from the annoying demands of their party and political friends.

The operation of a civil service law had its first results under the federal government. This measure was passed in 1883, covering at the time some sixteen thousand positions. Now over one hundred and fifty thousand offices are under civil service regulations and the number is fast increasing. During the ten years before the law was adopted by the federal government there was an increase from 3300 to 5523, or more than two thirds increase in the departments at Washington. In the thirteen years after the law was enacted the number of offices actually decreased 211, or 3 per cent, while the work in the various departments was largely increased. This is but one of a number of familiar instances which could be cited to show the tremendous saving to the public treasury by the enactment of a civil service law. Massachusetts, New York, Wisconsin, and Illinois have already enacted civil service laws which have become the example for other states seeking to remedy their public service. Most of the large cities of this and other states have already adopted civil service laws for their employments.

Without a single exception the operation of civil service laws governing public employments has resulted in saving the states and counties many thousands of dollars in the administration of public affairs, built up a corps of public servants, honest, capable, trained to their vocation, and free from political or personal influence in the discharge of their duties, ready and willing to oblige the ordinary citizen as well as the most powerful boss, and secures to such public employees their positions as long as they render sufficient service and during good conduct; and lastly eliminates the expensive obnoxious spoil system by which public service is degenerated by the construction of expensive political machines by those in power. If this constitutional amendment is adopted it will mean the eradication of most of the present evils in public service, and the substitution of all of the benefits to be derived by a rational civil service law as above set forth. It is, therefore, urged that the above constitutional amendment be adopted by an overwhelming majority.

LOUIS H. ROSEBERRY (author), 33d Senatorial District.
NEWTON W. THOMPSON, 35th Senatorial District.

12. SENATE CONSTITUTIONAL AMENDMENT NO. 47.

CHAPTER 60.—Senate Constitutional Amendment No. 47. A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the constitution of the State of California, to confer upon the railroad commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article

other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries, provided that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance. Section 19 of article XI, proposed to be amended as above, now reads as follows: Sec. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose, under and by authority of the laws of this state, shall, under the direction of the superintendent of streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe, for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants with gas, or with fresh water for domestic and all other purposes, upon the conditions that the municipal government shall have the right to regulate the charges thereof.

STATEMENT IN FAVOR OF ADOPTION OF SENATE CONSTITUTIONAL AMENDMENT NO. 49.

Senate Constitutional Amendment No. 49 amends section 19 of article XI of the constitution. The proposed section is radically different from the one it is designed to replace, and the broad ground upon which the amendment rests should be stated at the outset. The original section was designed to meet conditions which prevailed in this state with regard to the operation of public utilities in cities at the time of the adoption of the new constitution, in 1879. But such conditions have changed in the thirty-two years elapsed since then, and an entirely new situation now exists regarding the subject to which this section relates. The proposed amendment is designed to provide for conditions as they now are, and as they will doubtless continue to be in the future.

In effect, section 19 of article XI, as it stands, provides that in any city which does not own and control its own waterworks or lighting plant, any individual or private corporation shall have the privilege of using the streets and thoroughfares of such city, and to construct pipes and conduits therein for the purpose of operating water and lighting systems. The only conditions attached to this constitutional grant are: (1) that the work of laying pipes or conduits, or installing appliances in the city streets, shall be under the direction of the superintendent of streets; (2) that such work shall be subject to such regulations as the city may prescribe for damages and indemnity for damages; and (3), that the municipal government shall have the right to regulate the charges for water or light furnished by such person or company.

An examination of the proceedings of the convention which framed the constitution of 1879 will show that the purpose of this section was to remedy a most vexatious condition which then existed in all the larger cities of the state. It was notorious that the supplying of water and light were private monopolies in all such cities, and that, owing to the absolute control over municipal councils by the persons operating these monopolies, it was impossible for any other persons to get franchises to conduct competing systems. This situation was a public scandal and the water and gas companies of that day simply used their power to prevent, and they did prevent, any franchise being granted that would break their monopoly, or enable others to enter into competition with them. The people were so desirous of ending this odious system that they were willing to place in the constitution this section, which gave to any one the absolute right, without compensation and without conditions other than as above stated, to operate water and lighting systems in cities. It was thus confidently hoped that these public utilities would be placed upon a competitive basis, that burdensome gas and water monopolies would be broken, and that great benefit would thereby inure to the people.

The result, however, has been a distinct disappointment, like many other attempts to remedy economic conditions by force of states. The sequel has shown that to give the right to establish competing water or gas systems by law is one thing; to actually establish and maintain them is quite another. The fact is that the supplying of gas, water, electric light, and any other like public service is by its very nature monopolistic, and the true remedy, so far as any substantial benefit to the people is concerned, is to encourage the furnishing of these public necessities by municipal corporations themselves. This fact was not realized so clearly thirty years ago as it is to-day. In spite of this free and direct gift of franchises for water and lighting systems, the cities are still in the hands of water and lighting companies that are private monopolies in fact, if not in name, except in those cases where cities have established their own systems. Even where there are several private lighting or water companies operating in the same city, the companies are not rivals in any real sense. If a serious competitor appears, it is hampered or crushed by the superior commercial or political influence of the water, gas or electric companies that have already occupied the city streets and established their connections; or, if such rival be strong enough financially to hold its ground, the water, gas or electric companies speedily admit it to their circle, and make an amicable division of the city territory between themselves, by which they agree not to invade each other's preserve. Therefore, unless a more effective remedy is devised than is afforded by section 19, article XI, in its present form, the monopolistic conditions that were so unpopular thirty years ago will still remain, although slightly in a different shape. So much for the general purpose which the authors of the original section had in mind, and the practical results of its operation. This section was amended in 1885; the amendment, however, simply consisted in striking out a provision which had no relation to the subject we are discussing.

But there have been other unfortunate results from this section. The control of cities over water, gas and electric companies with respect to the use of the public streets, has been extremely weak and unsatisfactory. The only power which cities have in this regard is that the physical work of installing poles or wires, or tearing up streets for pipes and conduits, must be done under the direction of the city officer who has charge of the streets, and that the city may compel the observance of rules and regulations for the payment of damages occasioned by such work, and indemnity therefor. Cities generally, under their constitutional power to make local and police regulations, require all persons who tear up pavements or make excavations in public streets to conform to their ordinances prescribing the time when, the place where, and the manner in which such work shall be done. Persons and companies operating water, gas and electric lighting systems, however, are practically exempt from such regulations. The limitation in the present section that the laying of water and gas pipes and conduits shall be "under the direction" of the municipal officer who has charge of the streets does not mean much in practice, for this "direction" is clearly limited to the doing of the work itself, and does not imply a right to control the time or place when such work shall be done, or any effective method of regulating the method thereof.

The supreme court of this state has construed this section of the constitution on several occasions, and it has held that when the constitution designates "damages and indemnity for damages" as the subject upon which the municipality may prescribe regulations in regard to laying pipes and conduits, it places a limitation upon the authority of the municipality over the matters connected with the exercise of the privilege from prescribing any other regulations as to the persons and corporations to whom the right to lay pipes, erect poles, and construct conduits in the streets. The supreme court has further held that when the sovereign authority of the state has created a right, and expressed an intention that such right is sought to be enjoyed, it is not within the province of a municipality where such right is sought to be exercised to impose any other conditions to its exercise.

Therefore, the various cities and towns, at least those which do not own and operate water, gas and electric lighting systems themselves, have no effective control over the use of the streets by gas, water or electric light companies, for such companies may and do dig up the streets at their own sweet will, at any time, in any manner, and at any place. It is a matter of common knowledge that the indiscriminate manner in which streets, and particularly paved and other highly improved streets, are torn up by gas,

in excess thereof, or who shall in any year exceed five thousand dollars in one year. In all controversies, civil or by said commission shall be deemed against such corporation or company the plaintiff, in addition to the actual recover exemplary damages. Said court shall prevent individuals from maintaining a charter or otherwise, and may as shall be necessary to enable them to forego the section. The legislature shall elect to each board, to remove for dereliction of duty, or corruption, vacancy in office shall occur in said appointment of a qualified person the unexpired term, and until his successor

THE REASONS WHY ASSEMBLY SHOULD

The amendment proposed changes following particulars:

It increases the membership of the missions are to be appointed by elected by the people for a term of from districts, except that the legis districts for the purpose of such app to expire at different times instead to act to one of its members instead of every question presented rate schedules which are not objection to confer additional powers on

The increase in the number of com the board to perform properly the d and the "Railroad Commission Act." We are informed that the present commission in the State of California, it which is increasing rapidly, and the powers of the board are to be e porations, as is contemplated by Se for the increase in the number proposal that the commissioners sha in the interest of efficiency. Tech commissioner, and experience has sh been attained through appointment by the people at large. In the stat are doing the best work in the United by the governor.

The greatest degree of interest in the election of the governor, and ti self as to the qualifications of the particularly dangerous in the case o technical skill as well as their integ governor directly responsible to th charged with the supervision of c public. The amendment proposed v thirds vote to remove any one or n of duty or corruption or incompeten the integrity and ability of the con

The abolition of the present syst also obviously in the interest of members of an official board from limitation upon the ability of the b aggregate membership. Choice of p posed of experts, should be made tions. It is to be noted, however legislature may at any time requir districts if such a change is deeme

Still another proposed change in rotation of the commissioners in of at different periods. The resoluti office until the expiration of the t tional members to be appointed af for the same term. Upon the exp gured to appoint five commissione 1917, two on January 1, 1919, and appointment of any new member will be composed of a majority o ance of the duties required of t unfamiliar with those duties. It is office of a commissioner for a fixed r for any one governor during his l board so far as its entire members

Under the constitutional provisio the railroad commission can act c many instances, investigations, i single commissioner with the resu omized. This change is designed t to act in such cases. The section "shall have the power, and it sha amendment proposed eliminates th thousand schedules of rates in for no ground for complaint. One of mission was to correct abuses in t commission is, therefore, interest The power to correct these abuses out imposing on the board the ne schedules generally. Especially i single rate unnecessary when un increases in rates are required to

Finally, it is proposed to amend the legislature to confer additional as presented for adoption, the le powers as it sees fit without any thus given are not inconsistent wit The adoption of this amendmen est of the people of the State of

W. A. SU
LESTER (

REASONS WHY ASSEMBLY C

In compliance with chapter 319, election to be held on Tuesday, O qualified electors of the state of

ances against industrial accidents—a thing to see that the amendment will pass by a large

UIS H. ROSEBERRY, Senator, 33d District.

at the coming election October 10, 1911, will be state constitution, to read as follows: The legislature shall enact and enforce a liability on the employees for any injury incurred by the said employee, irrespective of the fault of either party, in the event of any disputes arising under the legislation or by an industrial accident board, by these agencies, anything in this constitution to the contrary notwithstanding.

as it is possible for a state to do, to increase al injuries to their employees so as to cover al er party. This part obviates all objections with ding away of the property of one person for the ner at common law owes no duty to the latter. delegate judicial power to an administrative ead to the courts, to be held in the name of the ouse of their employment. Under this new sec- e to enact compulsory compensation laws, and e of the courts, and dispose of all cases quickly l parties concerned. ELCH (author), State Senator, 19th District.

TIONAL AMENDMENT NO. 45.

ndment No. 45. A resolution proposing to the amendment to the constitution of the state amending n of office.

concurring, That the legislature of the State of cing on the second day of January, A. D. 1911, each house of said legislature voting in favor the State of California that section 16 of article mended so as to read as follows: or commissioner is not provided for in this r or commissioner may be declared by law; and, if not shall hold his position as such officer or com- munity making the appointment; but in no case ded, however, that in the case of any officer or nder a legally adopted charter, the provisions of f office or the dismissal from office of any such ided further, that the term of office of any per- hold office or employment during good behavior f any political division thereof shall not be lim-

amended as above, now reads as follows: or commissioner is not provided for in this con- sioner may be declared by law; and, if not so all hold his position as such officer or commis- y making the appointment; but in no case shall iever, that in the case of any officer or employe legally adopted charter, the provisions of such office or the dismissal from office of any such

E CONSTITUTIONAL AMENDMENT NO. 45.

end article 20, section 16 of the constitution by governing the civil service of the state and the e existing form of this section of the constitu- reating a term of office in excess of four years. service regulation extending the term of any ng good behavior. The proposed constitutional rstriction and to permit of a civil service law s under the state or any political subdivision ght to be accomplished by a civil service law is institution of the merit system in public offices. nd the results which have followed its adoption

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additional offices for patronage purposes. qual chance to enter public service. cting the work of public servants, and thereby

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on of civil service laws governing public employ- s and counties many thousands of dollars in the up a corps of public servants, honest, capable, a political or personal influence in the discharge blige the ordinary citizen as long as the most ible employees their positions as long as they od conduct; and lastly eliminates the expensive, ic service is depreciated by the construction of is in power. If this constitutional amendment is t most of the present evils in public service, and e to be derived by a rational civil service law as ed that the above constitutional amendment be

OSEBERRY (author), 33d Senatorial District. THOMPSON, 35th Senatorial District.

TIONAL AMENDMENT NO. 47.

ndment No. 47. A resolution proposing to the amendment to section twenty-three of article twelve alifornia, to confer upon the railroad commission d control the business of furnishing certain com- es to or for the public.

forma: at its regular session, commencing on the nine hundred and eleven, two thirds of all the ouses of said legislature voting in favor thereof, te of California that section twenty-three of article

all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California so that section 19 of article XI of said constitution shall read as follows:

Section 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under the organic law, or condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabit- ants outside its boundaries: provided that it shall not furnish any service to the inhabit- ants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

Section 19 of article XI, proposed to be amended as above, now reads as follows: Sec. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose, under and by authority of the laws of this state, shall, under the direction of the superintendent of streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe, for damages and indemnity for damages, have the privilege of using the public streets and thorough- fares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants with either with gaslight, or other illuminating light, or with fresh water for domestic and all other purposes, upon the conditions that the municipal government shall have the right to regulate the charges thereof.

STATEMENT IN FAVOR OF ADOPTION OF SENATE CONSTITUTIONAL AMENDMENT NO. 49.

Senate Constitutional Amendment No. 49 amends section 19 of article XI of the constitution. The proposed section is radically different from the one it is designed to replace, and the broad ground upon which the amendment rests should be stated at the outset. The original section was designed to meet conditions which prevailed in this state with regard to the operation of public utilities in cities at the time of the adoption of the new constitution, in 1879. But such conditions have changed in the thirty-two years elapsed since then, and an entirely new situation now exists regarding the subject to which this section relates. The proposed amendment is designed to provide for conditions as they now are, and as they will doubtless continue to be in the future.

In effect, section 19 of article XI, as it stands, provides that in any city which does not own and control its own waterworks or lighting plant, any individual or private corporation shall have the privilege of using the streets and thoroughfares of such city, and to construct pipes and conduits therein; for the purpose of operating water and lighting systems. The only conditions attached to this constitutional grant are: (1) that the work of laying pipes or conduits, or installing appliances in the city streets, shall be under the direction of the superintendent of streets; (2) that such work shall be subject to such regulations as the city may prescribe for damages and indemnity for damages; and (3), that the municipal government shall have the right to regulate the charges for water or light furnished by such person or company.

An examination of the proceedings of the convention which framed the constitution of 1879 will show that the purpose of this section was to remedy a most vexatious condition which then existed in all the larger cities of the state. It was notorious that the supplying of water and light were private monopolies in all such cities, and that, owing to the absolute control over municipal councils by the persons operating these monop- olies, it was impossible for any other persons to get franchises to conduct competing systems. This situation was a public scandal, and the water and gas companies of that day simply used their power to prevent, and they did prevent, any franchise being granted that would break their monopoly, enable others to enter into competition with them. The people were so desirous of ending this odious system that they were willing to place in the constitution this section, which gave to any one the absolute right, without compensation and without conditions other than as above stated, to operate water and lighting systems in cities. It was thus confidently hoped that these public utilities would be placed upon a competitive basis, that burdensome gas and water monopolies would be broken, and that great benefit would thereby inure to the people.

The result, however, has been a distinct disappointment, like many other attempts to remedy economic conditions by force of statutes. The sequel has shown that to give the right to establish competing water or gas systems by law, is one thing; to actually establish and maintain them, as against already entrenched monopolies, is quite a different thing. The fact is that the supplying of gas, water, electric light, and any other like public service, is by its very nature monopolistic, and the true remedy, so far as any substantial benefit to the people is concerned, is to encourage the furnishing of these public necessities by municipal corporations themselves. This fact was not realized so clearly thirty years ago as it is to-day. In spite of this free and direct gift of franchises for water and lighting systems, the cities are still in the hands of water and lighting companies that are private monopolies in fact, if not in name, except in those cases where cities have established their own systems. Even where there are several private lighting or water companies operating in the same city, the companies are not rivals in any real sense. If a serious competitor appears, it is hampered or crushed by the superior commercial or political influence of the water, gas or electric companies, or if that have already occupied the city streets and established their connections; or if such rival be strong enough financially to hold its ground, the water, gas and electric companies speedily admit it to their circle, and make an amicable division of the city territory between themselves, by which they agree not to invade each other's preserve. Therefore, unless a more effective remedy is devised than that afforded by section 19, article XI, in its present form, the monopolistic conditions that were so unpopular thirty years ago will still remain, although slightly in a different shape. So much for the general purpose which the original section had in mind, and the practical results of its operation. This section was amended in 1885; the amendment, however, simply consisted in striking out a provision which had no relation to the subject we are discussing.

But there have been other unfortunate results from this section. The control by cities over water, gas and electric companies, with respect to the use of the public streets, has been extremely weak and unsatisfactory. The only power which cities have in this regard is that the physical work of installing poles or wires, or tearing up streets for pipes and conduits, must be done under the direction of the city officer who has charge of the streets, and that the city may compel the observance of rules and regulations for the payment of damages occasioned by such work, and indemnity therefor. Cities generally, under their constitutional power to make local and police regulations, require all persons who tear up pavements or make excavations in public streets to conform to their ordinances prescribing the time when, the place where, and the manner in which such work shall be done. Persons and companies operating water, gas and elec- tric lighting systems, however, are practically exempt from such regulations. The limitation in the present section that the laying of water and gas pipes and conduits shall be "under the direction" of the municipal officer who has charge of the streets does not mean much in practice, for this "direction" is clearly limited to the doing of the work itself, and does not imply a right to control the time or place when such work shall be done, or any effective method of controlling the method thereof.

The supreme court of this state has construed this section of the constitution on several occasions, and it has held that when the constitution designates "damages and indemnity for damages" as the subject upon which the municipality may prescribe regulation in regard to laying pipes and conduits, it places a limitation upon the author- ity of the municipality over the matter, and further, that such designation is a prohibition from prescribing any other regulations connected with the exercise of the privilege. Section 19 of article XI is a direct grant to the persons and corporations specified therein of the right to lay pipes, erect poles, and construct conduits in the streets. The supreme court has further held that when the sovereign authority of the state has created a right, and expressed and defined the conditions under which it may be enjoyed, it is not within the province of a municipality where such right is sought to be exercised to impose any other conditions to its exercise.

Therefore, the various cities and towns, at least those which do not own and operate water, gas and electric lighting systems themselves, have no effective control over the use of the streets by gas, water or electric light companies, for such companies may and do dig up the streets at their own sweet will, at any time, in any manner, and at any place. It is a matter of common knowledge that the indiscriminate manner in which streets, and particularly paved and other high improved streets, are torn up by gas,

system or accounts to be kept of all such work, which shall fail or refuse to conform to such rates as poration or transportation company which shall charge rates in excess thereof, or shall shall be established by such commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the commission, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent, or employee of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by this section, the judge or jury, the plaintiff, in addition to the actual damages, may, in the discretion of the judge or jury, recover exemplary damages. Said commission shall report to the governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions prescribed, enforce this article by for- legislature may, in addition to any penalties herein prescribed, enforce this article by the forfeiture of charter or otherwise, and may confer such further powers on them in this and as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The legislature shall have power, by a two-thirds vote of all the mem- bers elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty or corruption or incompetency; and whenever, on any cause, a vacancy in office shall occur in said commission, the governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

THE REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6 SHOULD BE ADOPTED.

The amendment proposed changes the constitutional provision now in force in the following particulars:

It increases the membership of the railroad commission from three to five; the com- missioners are to be appointed by the governor for a term of six years instead of elected by the people for a term of four years, and from the state at large instead of from districts, except that the legislature, in the discretion, may divide the state into districts for the purpose of such appointment; the terms of the commissioners are made to expire at different times instead of on the same date; the board may delegate power to act to one of its members instead of being required to act as a board in the inves- tigation of every question presented to it; the board is relieved of the duty to revise rate schedules which are not objectionable; existing doubts as to the right of the legis- lature to confer additional powers on the board are removed.

The increase in the number of commissioners from three to five is necessary to enable the board to perform properly the duties even now imposed upon it by the constitution and the "Railroad Commission Act" passed by the thirty-ninth session of the legislature. We are informed that the present railroad commission, the first really active railroad commission in the State of California, has all it can do to handle the business before it, which is increasing rapidly, and will increase more rapidly in the near future. The powers of the board are to be extended to the regulation of all public service cor- porations, as is contemplated by Senate Constitutional Amendment No. 47, the neces- sity for the increase in the number of the commissioners is still more apparent. The proposal that the commissioners shall be appointive instead of elective, such as railroad commissioner, and experience has shown that the best results in filling such offices have been attained through appointment by the chief executive rather than election by the people at large. In the states of New York and Wisconsin, whose commissions are doing the best work in the United States in this line, the commissioners are appointed by the governor.

The greatest degree of interest in the selection of state officers naturally attaches to the election of the governor, and the average elector does not attempt to inform him- self as to the qualifications of the so-called minor officers. This lack of knowledge is self as to the qualifications of the so-called minor officers. This lack of knowledge is particularly dangerous in the case of officers who should be chosen with a view to their technical skill as well as their integrity. The proposed change, if ratified, will make the governor directly responsible to the people for the character and ability of the men charged with the supervision of corporations engaged in the business of serving the public. The amendment proposed vests in the legislature the absolute power by a two- thirds vote to remove any one or more of the commissioners from office for dereliction of duty or corruption or incompetency, thus giving to the people additional assurance of the integrity and ability of the commissioners appointed.

The abolition of the present system of selecting the commissioners from districts is also obviously in the interest of efficiency. Any plan which requires the selection of members of an official board from particular portions of the state necessarily places a limitation upon the ability of the board to attain the highest degree of efficiency in its aggregate membership. Choice of the members of any board, particularly a board composed of experts, should be made regardless of geographical or territorial considera- tions. It is to be noted, however, that the proposed amendment provides that the legislature may at any time require the selection of the commissioners to be made by districts if such a change is deemed advisable.

Still another proposed change in the direction of efficiency is the provision for the rotation of the commissioners in office, or, in other words, that their terms shall expire at different periods. The resolution provides that the present incumbents shall hold office until the expiration of the term for which they were elected, and the two addi- tional members to be appointed after the ratification of the amendment shall hold office for the same term. Upon the expiration of the incumbents' term the governor is re- quired to appoint five commissioners, so that on January 1, 1921. Thus, at the time of the 1917, two on January 1, 1919, and two on January 1, 1921. Thus, at the time of the appointment of any new member to the board of railroad commissioners, the board will be composed of a majority of commissioners having experience in the perform- ance of the duties required of the board instead of an entire board of members unfamiliar with those duties. It is also to be noted in this connection that the term of office of a commissioner is fixed at six years, a provision which renders it impossible for any one governor during his four-year term of office to change the policy of the board so far as its entire membership is concerned.

Under the constitutional provision as it is now in force, it is at least doubtful whether the railroad commission can act otherwise than when it is in session as a board. In many instances, investigations, inquiries or hearings might readily be had before a single commissioner with the result that the time of the board would be greatly econ- omized. This change is designed to empower the board to designate one of its members to act in such cases. The section as it is now in effect provides that the commissioners "shall have the power, and it shall be their duty, to establish rates of charges." The amendment proposed eliminates this mandatory feature for the reason that of the many thousand schedules of rates in force in the State of California the great majority give no ground for complaint. One of the chief reasons for the creation of the railroad com- mission was to correct abuses in the matter of freight and passenger charges, and the commission is, therefore, interested only in those schedules in which abuses appear. The power to correct these abuses is amply assured in the proposed amendment with- out imposing on the board the needless and expensive duty of examining and revising schedules generally. Especially is the attention of the legislature directed to every single rate unnecessary when under Assembly Constitutional Amendment No. 50 all increases in rates are required to be brought to the attention of the commission.

Finally, it is proposed to amend the section so as to remove all doubt of the right of the legislature to confer additional powers upon the commission. Under the amendment as presented for adoption, the legislature may give to the railroad commission such powers as it sees fit without any restriction whatever, provided only that the powers thus given are not inconsistent with the powers specifically conferred in the constitution. The adoption of this amendment will insure real regulation of railroads in the inter- est of the people of the State of California.

W. A. SUTHERLAND (author), Assemblyman, 61st District. LESTER G. BURNETT, Senator, 25th District. Committee appointed under the law to present the argument in favor of Assembly Constitutional Amendment No. 6.

REASONS WHY ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6 SHOULD NOT BE ADOPTED.

In compliance with chapter 319, entitled "An act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereof to the qualified electors of the state of all amendments to the constitution of the State of

that exist in each county. Generally, salaries are paid in lieu of fees in criminal cases, and fees are allowed only in civil actions. The system seems to work well, and is not onerous upon litigants; is fixed in proportion to the business transacted by the court, or according to the population of the township, and is not productive of imposition or injustice. There seems to be no good reason for depriving the legislature of the power to allow fees, when deemed necessary. The constitution now permits it.

We frequently hear adverse criticism made as to the ability and fitness of the men elected as justices of the peace—most frequently of those elected in country townships. It is a stock argument against them. These are those who think that no person should be eligible to the office, except he possesses thorough education. Others are of the opinion that only lawyers should fill these positions. While it occasionally happens that men disqualified from lack of education are elected to these judgeships, it is the excep- tion and not the rule. The framers of our state constitution did not contemplate that justices of the peace should be men of legal training and ability, and the legislature has made no such requirements except in cities of the first, second and third class. If legal attainments were exacted, it would be impossible in country districts to find men to fill the office. Generally, justices of the peace are fair representatives of the community in which they reside, and capable of filling the office creditably.

Justices' courts are the tribunals of the people, in which the many small cases arising in the various townships are tried and determined. It is to the interest and convenience of such litigants that such cases should be disposed of as quickly as possible. They are rarely appealed. But the right to appeal to the superior court is given, and any person who feels that he has not obtained justice can get a rehearing there. We must have inferior courts of this character, and it will be extremely difficult to provide a better and more economical system than we now have. Inasmuch as no provision is made in this proposed amendment for the continuance of the present justices' courts, in case of its adoption, until the legislature shall replace them by other courts, the question arises: What effect will its adoption have upon cases and matters pending in them? In the absence of such a provision, it would seem that upon the adoption of the amendment all constitutional justices' courts will cease to exist, and that their authority and powers cases pending therein. It would further seem that these courts, being constitutional courts, can not be kept in existence by any provisions of the codes or statutes that may appear applicable, once this amendment is adopted.

For instance, in 1862, a constitutional amendment was adopted creating several new courts, and changing the jurisdiction of others; and it was provided in the amendment that none of the officers should be superseded, nor the organization of the courts be changed until the election and qualification of the several officers provided for in the amendment. A similar provision was deemed necessary, and was made in the constitu- tional amendment of 1879 (our present constitution) in regard to the courts discontinued and super- seded by its adoption. In order to have removed all possible doubt as to such an important jurisdictional question, a provision continuing present justices' courts in existence until other courts shall be provided in their stead—as was done in the two instances cited above—should have been embodied in this proposed amendment. The omission to do so raises a very serious question, and should alone defeat the amendment.

There is no occasion for giving to the legislature the unlimited control over our inferior courts that is proposed by this amendment, and the scheme of inferior and justices' courts as now provided for in the state constitution should be retained. HENRY WARD BROWN, Assemblyman, 53d District.

19. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28.

CHAPTER 69.—Assembly Constitutional Amendment No. 28, a resolution to propose to the people of the State of California an amendment to the constitution of the state by amend- ing section nineteen of article twelve thereof relating to the issuing of passes to public officials.

The legislature of the State of California at its thirty-ninth regular session, commencing on the 2nd day of January, nineteen hundred eleven, two thirds of all the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes that section nineteen of article twelve of the constitution of the State of California be amended to read as follows:

Section 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust or profit in this state, except to the members of the railroad commission of this state and officers and employees of said commission and to peace officers, and the acceptance of any such pass or ticket, by a member of the legislature, or any public officer, other than railroad commissioner or any forfeit of his office.

Section 19 of article XII, proposed to be amended as above, now reads as follows: Sec. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this state; and the acceptance of any such pass or ticket, by a member of the legislature or any public officer, other than railroad commissioner, shall work a forfeiture of his office.

ARGUMENTS IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28.

This section of the constitution, as it now stands, limits the granting of free passes, or passes or tickets at a discount, to railroad commissioners. Under the proposed amendment it will be possible to enact laws providing for the granting of free passes, or passes or tickets at a discount, to members of the railroad commission of this state, and to officers and employees of the commission, and also to peace officers. This is thought advisable, inasmuch as there is considerable traveling to be done by the officers and employees of the railroad commission, as well as the commissioners, and such legisla- tion will mean a considerable saving to the state. Legislation allowing the granting of passes to peace officers is also thought advisable for the same reasons.

ARTHUR JOEL, Assemblyman, 42d District.

The proposed amendment changes the existing section as follows: It raises the inhibition against the giving of passes by transportation companies to the railroad commission and their employees and to peace officers, and permits the legisla- ture, if it sees fit, to allow passes to be given to such public officers. As the section now stands, there is a direct inhibition against the giving of passes by any transportation company to any person holding any public office in this state.

The railroad commission ought to be permitted to lawfully receive and use passes, for their duties are entirely with the transportation companies, and they often need to travel over the various lines of transportation in this state solely in the performance of their duties, and they should be lawfully able to do this without cost to the state. Peace officers, such as sheriffs, constables, etc., are constantly being called upon to examine and run down complaints of crime in their respective districts, which often turn out to be without foundation, and to search for criminals who have committed a crime in an adjoining county and have escaped therefrom and who may not be found in the officer's district. If no crime is discovered or no such criminal is found by the officer, although the officer has spent his money and time in making such investigation, he does not receive any of the expenses or any fees therefor. If, in such cases, he had free transportation, he would then be out only his time and not his money and he would, therefore, be quicker to respond to all calls made upon him if he could do so without actual expenditure of his money. All of which would make for the better policing of this state.

M. R. JONES (author), Assemblyman, 22d District.

For Assembly Constitutional Amendment No. 33, No. 46

No. 48 and No. 50, and arguments thereon, see additions

sheet.

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CERTIFIED COPY

OF THE

ments to the Constitution of the State of California

ted upon at the next GENERAL ELECTION to be held on the Eighth day of November, A.

is reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this state for the purpose of fishing in any water containing fish that have been planted therein by the state; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Attest:
C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 30 day of March, A. D. 1909, at 3:45 o'clock P. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 485.

Passed the Senate, March 8, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.
Passed the Assembly, March 15, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.
This bill was received by the Governor this 19th day of March, A. D. 1909, at 11 o'clock A. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 320. An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in briefer type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in briefer type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909," and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten,

to pay the principal of and the interest on the bonds, issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

The treasurer of the state shall, on the first day of January, 1912, and on the first day of each July and the first day of each January thereafter transfer from the general fund of the state treasury to the interest and sinking fund such an amount of the money by this act appropriated as shall be required to pay the interest on the bonds theretofore sold, until the interest on all of said bonds so sold shall have been paid or shall have become due in accordance with the provisions of this act.

There is hereby created in the state treasury a fund to be known and designated as the "State Highway and Sinking Fund." The treasurer of the state shall on the first day of July of the year 1917, and on the first day of July, of each and every year thereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer from the general fund of the state treasury to the said state highway sinking fund such an amount of the moneys appropriated by this act as may be required to pay the principal of the bonds so becoming due and payable in such years.

SEC. 6. The principal of all of said bonds sold shall be paid at the time the same becomes due, from the state highway sinking fund, and the interest on all bonds sold shall be paid at the time said interest becomes due, from the interest and sinking fund. Both principal and interest shall be so paid upon warrants duly drawn by the controller of the state upon demands audited by the state board of examiners, and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold, and the interest accruing thereon.

SEC. 7. The state controller and state treasurer shall keep full and particular account and record of all their proceedings under this act and they shall transmit to the governor in triplicate an abstract of all such proceedings thereunder with an annual report in triplicate, one copy of each to be by the governor, laid before each house of the legislature biennially. All books and papers pertaining to the matter provided for in this act shall, at all times, be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature or a joint committee of both or any citizen of the state.

SEC. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase

clause that is subject to redemption by lot after the year nineteen hundred and fifty.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00) for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

Sec. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cramage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks

CHAPTER 383. An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided and canceled by the treasurer of said state. All bonds remaining unsold shall at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds so canceled and destroyed shall be deemed to have been sold and the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund

the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be held in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "State Highway Act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

P. A. STANTON,
Speaker of the Assembly.

W. R. PORTER,
President of the Senate.

Approved, March 22nd, A. D. 1909.

J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 23 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Passed the Senate, February 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 10, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 15th day of March, A. D. 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and

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same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SEC. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

SEC. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition of rights of way for and the acquisition and construction of said system of state highways. The route or routes of said state highways shall be selected by the department of engineering and said route shall be so selected and said highways so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the state traversing the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practicable routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

Moneys shall be drawn from said state highway fund for the purposes of this act upon warrants duly drawn by the controller of the state upon demands made by the department of engineering and audited by the state board of examiners.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary

CHAPTER 407. An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

The people of the State of California, represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and, he, shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

....., California:

th session, beginning on the fourth day of January, A. D. 1909, and ending on the twenty-fourth day of March, A. D. 1909, two thirds of al
ifornia, prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 1; Senate Constitutional Amendment No. 1
No. 14, all of which said Constitutional Amendments were duly passed by the Senate and Assembly of the State of California in the manne

provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the boar
provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the boar

Section 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Section 25. The people shall have the right to fish upon and from the public lands of the state and in the waters thereof excepting upon lands set aside for fish hatcheries, and no land owned by the state shall ever be sold or transferred without

SEC. 5. For the payment of the principal and interest on bonds a sinking fund, to be known and designated as "San Francisco Seawall Sinking Fund" shall be, and is hereby created, as follows, to wit: The state treasurer on the second day of July, nineteen hundred and twenty, on the first day of each and every month thereafter, shall sell said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding have to run, will pay the principal of the bonds sold and outstanding at the time the same are sold, and the treasurer shall so take said sum from said fund, and shall place the same in a harbor improvement fund, less the amount thereof for said purpose; and he shall place the same in the second San Francisco seawall sinking fund created by said state treasurer, on controller's warrant for that purpose, employ the moneys in said sinking fund for the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of California, which said bonds shall be kept in a receptacle, appropriately labeled; but he must keep on hand a sufficient amount of money in said sinking fund, which to pay the interest on such of the state bonds as may be issued as may have theretofore been issued, and provide means for the payment of interest on them as they may be sold and outstanding, said treasurer shall, from the San Francisco harbor improvement fund, set aside a sinking fund, an amount equal to the interest then due on all bonds then sold, and the same shall be used for the interest on said bonds. The board of state harbor commissioners, authorized and directed by the collection of dockage, wharfage and crange to collect a sum of money for the purposes of this act, over and above the amount provided for in section two thousand five hundred and twenty-six of the Code of the State of California. Between the first day of May, in the year nineteen hundred and twenty, and between the first and tenth day of May of each year, until the maturity of said bonds, the said treasurer, in the presence of the governor, proceed to draw by lot such sum of bonds as shall be requisite to exhaust as near as may be the amount in said sinking fund at that time, and to sell the same upon and before the tenth day of June following, and to give public advertisement to be inserted twice a week in two newspapers published in the city and county of San Francisco, and also in one newspaper published in Oakland, and also in one newspaper published in Los Angeles, and also in one newspaper published in Sacramento, stating the number of bonds so drawn, and the principal of said bonds will be paid on or before the second day of July, following, and the interest on said bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are sold to him and paid to cancel the same, and the interest thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner herein provided. After the payment of all said bonds, the surplus remaining in said sinking fund, if any there be, shall be paid into the San Francisco harbor improvement fund, and the time of the respective drawings by lot, as above provided, at the maturity of said state bonds, said treasurer shall, at the market rates, after advertising the sale in the manner hereinbefore provided for the sale of said bonds, authorized to be issued, and shall use the proceeds of such bonds as may be drawn by lot, and the interest on said bonds outstanding shall pay and redeem the same, and outstanding bonds out of said moneys in said fund, and the principal of said bonds on controller's warrants duly drawn and paid.

AND WHEREAS said Legislature duly passed an act entitled: "An Act to provide for the issuance and sale of state bonds for the purpose of creating appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create

assessed upon such shares or capital stock an annual tax, payable to the state, of six tenths of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, county and county, town, township or district, before the adoption of this section, the taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, three fourths of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. Until the year 1918 the state shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Section 10. Section ten of article thirteen of said constitution

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

Adopted in Senate, March 12, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 22, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor, this 23d day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 42. Senate Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Section 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 30 day of March, A. D. 1909, at 3:45 o'clock p. m. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE CONSTITUTIONAL AMENDMENT NO. 44.

Adopted in Senate, February 23, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 5, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor, this 12th day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 27. Senate Constitutional Amendment No. 44.—A resolution to propose to the people of the State of California an amendment of the constitution of the State of California, providing for the classification by the legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the constitution of the State of California.

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the constitution of the State of California:

First: Section five of article twelve is hereby amended to read as follows:

Section 5. The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 16 day of March, A. D. 1909, at 12:15 o'clock p. m. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14.

Adopted in Assembly, February 11, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

Adopted in Senate, March 17, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

This resolution was received by the Governor, this 23d day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 44. Assembly Constitutional Amendment No. 14.—A resolution to propose to the people of the State of California an amendment to the constitution of the state, by adding a new section thereto to be numbered section 25 of article one thereof, relating to the right of the people to fish.

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby propose that a new section be added to the constitution of the State of California to be numbered section 25 of article one thereof

state harbor commissions, and approved by either of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their actual harbor receipts, and those reasonably and justly such sale of bonds and the consequent increase on harbor receipts; but said treasurer must reject bids for said bonds, or for any of them, which shall par value of said bonds so offered plus the interest accrued thereon between the date of sale and the interest maturity date; and he may, by public announcement, the place and time fixed for the sale, continue such whole of the bonds offered, or any part thereof, of time and place as he may select. Before offering bonds for sale the said treasurer shall detach therefrom which have matured or will mature before the such sale. Due notice of the time and place of sale must be given by said treasurer by publication in two published in the city and county of San Francisco publication in one newspaper published in the city and by publication in one newspaper published in the city of Sacramento, once a week during four weeks sale. In addition to the notice last above provided treasurer may give such further notice as he may deem but the expenses and cost of such additional notice exceed the sum of five hundred dollars (\$500.00) so advertised. The cost of such publication shall be the San Francisco harbor improvement fund, or warrants duly drawn for that purpose. The price sale of such bonds except such amount as may have as accrued interest thereon shall be forthwith paid treasurer into the treasury, and must be by him separate fund to be known and designated as the "San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state harbor betterments and appurtenances and necessary filling in connection therewith on the water front of county of San Francisco. Drafts and warrants up shall be drawn upon and shall be paid out of said same manner as drafts and warrants are drawn up out of the San Francisco harbor improvement fund, that shall have been paid at the sale of said bond interest on the bonds sold shall be, by the state immediately after such sale, paid into the treasury and placed in the "Second San Francisco Seawall Fund."

SEC. 5. For the payment of the principal and interest on bonds a sinking fund, to be known and designated as "San Francisco Seawall Sinking Fund" shall be, and is hereby created, as follows, to wit: The state treasury on the second day of July, nineteen hundred and twenty on the first day of each and every month thereafter sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in bonds then sold and outstanding have to run, will principal of the bonds sold and outstanding at the treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount thereof therefrom for said purpose; and he shall place the second San Francisco seawall sinking fund created said state treasurer shall, on controller's warrants for that purpose, employ the moneys in said sinking purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of California, which said bonds shall be kept receptacle, appropriately labeled; but he must keep hand a sufficient amount of money in said sinking fund which to pay the interest on such of the state bonds provided to be issued as may have theretofore been provide means for the payment of interest on the may be sold and outstanding, said treasurer shall from the San Francisco harbor improvement fund, said seawall sinking fund, an amount equal to interest then due on all bonds then sold, delivered to the board of state harbor commissioners authorized and directed by the collection of dockage wharfage and cranage to collect a sum of money the purposes of this act, over and above the amount section two thousand five hundred and twenty-six of Code of the State of California. Between the first day of May, in the year nineteen hundred and between the first and tenth day of May of each year until the maturity of said bonds, the said treasurer presence of the governor, proceed to draw by lot such of bonds as shall be requisite to exhaust as nearly the amount in said sinking fund at that time, and upon and before the tenth day of June following, a public advertisement to be inserted twice a week in two newspapers published in the city and county of San Francisco, and also in one newspaper published in Oakland, and also in one newspaper published in Los Angeles, and also in one newspaper published in Sacramento, stating the number of bonds so drawn principal of said bonds will be paid on present treasurer on or before the second day of July, if that from and after such last named date, all bonds thus drawn shall cease, and it shall be the treasurer as soon as said bonds so drawn by lot are to him and paid to cancel the same, and the interest thereon, and each year beginning with the year one hundred and fifty-one, the said treasurer shall, in the said, proceed to draw by lot such an amount of bonds be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner herein After the payment of all said bonds, the surplus remaining in said sinking fund, if any there be, shall be paid into the San Francisco harbor improvement fund at the time of the respective drawings by lot, as aforesaid at the maturity of said state bonds, said treasurer United States or other bonds then in said sinking earning market rates, after advertising the sale in the manner hereinbefore provided for the sale of bonds authorized to be issued, and shall use the proceeds

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To be voted upon at the next GE

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

Adopted in Senate, March 9, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 12, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor, this 18th day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 33. Senate Constitutional Amendment No. 1.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First: There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as herein-after provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car loading and other car companies operating upon railroads in this state; companies doing express business upon any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner herein-after provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within

Third. Section ten of article eleven of said constitution is hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 20 day of March, A. D. 1909, at 10:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

Adopted in Senate, February 25, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Adopted in Assembly, March 1, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This resolution was received by the Governor this 12th day of March, A. D. 1909. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 26. Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money repaid by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in this state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and any such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Second. Section four of article thirteen is hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 16 day of March, A. D. 1909, at 12:15 o'clock P. M. C. F. Curry,

reserving in the people the absolute right to fish in no law shall ever be passed making it a crime to enter upon the public lands within this state for fishing in any water containing fish that have therein by the state; provided, that the legislative statute, provide for the season when and the conditions which the different species of fish may be taken.

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

Attest:

C. F. CURRY, Secretary of State.
Endorsed: Filed in the office of the Secretary of State the 20 day of March, A. D. 1909, at 3:45 o'clock P. M. Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 485.

Passed the Senate, March 8, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 15, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor this 18th day of March, A. D. 1909, at 11 o'clock A. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 320. An act to provide for the issue of state bonds to create a fund for the improvement of the San Francisco harbor by the construction by the board of harbor commissioners of wharves, piers, state railroad, spurs, appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of the interest on said bonds; to define the duties of state officers in relation to the said bonds; and to provide for the sale of said bonds, and to provide for the use of the proceeds thereof.

The people of the State of California, represented in their representatives and senators, do enact as follows:

SECTION 1. For the purpose of providing payment of the indebtedness hereby authorized by the board of state harbor commissioners for wharves, piers, seawall, state railroad, spurs, appurtenances and necessary dredging and filling therewith in the city and county of San Francisco not to exceed nine million dollars (which said seawall, state railroad, spurs, betterments and necessary dredging and filling in connection with the said harbor improvements are hereby authorized to construct and do in the manner, authorized by law, not to exceed said nine million dollars), the governor, provided for in section 10 hereof, shall, immediately after the issuance of the bonds, provide for the issuance of the bonds of the State of California, of one thousand dollars each. The bonds shall not exceed the sum of nine million dollars, and shall bear interest at the rate of four per centum, from the date of issuance thereof, and interest shall be payable in gold coin of the value, and they shall be payable at the office of the treasurer, at the expiration of seventy-four years, subject, however, to redemption by lot as in this act provided. Said bonds shall bear date the second day of July, nineteen hundred and nine, and shall on the second day of July, nineteen hundred and nine, be deposited in the office of the state treasurer, and the interest accruing on such of said bonds as are not redeemed shall be paid to the state treasurer at the office of the state treasurer.

people of the State of California; represented in Senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India Basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and empower the board of state harbor commissioners to institute condemnation proceedings against certain property north of the city of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area of tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale of said bonds, and both principal and interest shall be payable in gold of the present standard value, and they shall be payable to the order of the state treasurer, at the expiration of seventy years from their date, subject, however, to redemption by the state treasurer in this act hereinafter provided. Said bonds shall bear the date of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the date of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so much of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all said bonds shall cease to bear interest, and likewise all bonds issued by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sink-Fund," provided for in this act, and, he, shall on the Monday of January, A. D. 1985, also cancel and destroy said bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be countersigned by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SECTION 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which intervenes between the date of any of said bonds, and the date of sale thereof to a purchaser.

SECTION 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on warrants, duly drawn for that purpose.

the general fund, on controller's warrants, for that purpose.

SECTION 12. This act shall be known and cited as the "India Basin Act."

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Approved, March 24th, A. D. 1909.

J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 25 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

SENATE BILL NO. 464.

Passed the Senate, March 12, A. D. 1909. Lewis A. Hilborn, Secretary of the Senate.

Passed the Assembly, March 20, A. D. 1909. Clio Lloyd, Chief Clerk of the Assembly.

This bill was received by the Governor, this 23d day of March, A. D. 1909, at 5 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 623. An Act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value, at the office of the state treasurer of said state, on the second day of July, nineteen hundred eighty-five, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on

vided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SECTION 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SECTION 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SECTION 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego seawall act," and in a separate line under the same words "Against the San Diego seawall act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Diego seawall act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego seawall act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SECTION 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SECTION 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Diego harbor improvement fund, on controller's warrants duly drawn for that purpose.

SECTION 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

SECTION 13. This act may be known and cited as the "San Diego seawall act of 1909."

W. R. PORTER,
President of the Senate.

P. A. STANTON,
Speaker of the Assembly.

Approved, April 16th, A. D. 1909.

J. N. GILLET, Governor.

Endorsed: Filed in the office of the Secretary of State the 7th day of April A. D. 1909, at 12:05 o'clock P. M. C. F. Curry, Secretary of State. By J. Hoesch, Deputy.

day of March, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, 1; Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; by the people of the State of California in the manner required by section one of article eighteen of the Constitution of the State of California.

sco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments and duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds;

he State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing the submission of this act to a vote of the people." Approved March 22, 1909.

the governor shall make proclamation thereof. If the majority of the votes cast, as aforesaid, are against the same shall be and become void. It shall be the duty of the secretary of state to have published in at least one newspaper in each county, if one be published therein, throughout three months next preceding the general election in the month of November, A. D. nineteen hundred and one; the cost of publication shall be paid out of the treasury of the state, on controller's warrants duly drawn for the same. This act shall be known and cited as the "State Election Law."

P. A. STANTON,
Speaker of the Assembly.
W. R. PORTER,
President of the Senate.

arch 22nd, A. D. 1909.
J. N. GILLET, Governor.
rthed in the office of the Secretary of State the
rch, A. D. 1909, at 9:30 o'clock A. M. C. F.
ry of State. By J. Hoesch, Deputy.

SENATE BILL NO. 227.

Senate, February 17, A. D. 1909. Lewis A. Clark, Secretary of the Senate.
Assembly, March 10, A. D. 1909. Clio Lloyd, Secretary of the Assembly.
as received by the Governor, this 15th day of March, 1909, at 3 o'clock P. M. E. C. Cooper, Private Secretary to the Governor.

An act to provide for the issuance and sale of
to create a fund for the acquisition by the board
for commissioners, of a necessary area for tidal
harves, docks, piers, harbors and appurtenances,
and county of San Francisco; to create a sinking
e payment of said bonds; and defining the duties
cers in relation thereto; making an appropriation
and dollars for the expense of printing said bonds;
ng for the submission of this act to a vote of the

the State of California, represented in Senate and assembly, do enact as follows:

For the purpose of providing a fund for the indebtedness authorized to be incurred by the harbor commissioners for the acquisition of the water front of the city and county of San Francisco in an act entitled: "An act to authorize and board of state harbor commissioners to institute proceedings against certain property north of and extending to Islais creek in the city and n Francisco, and extending the jurisdiction of said he same, and providing for the payment of judge the proceeds of bonds issued and sold under the an act entitled 'An act to provide for the issuance state bonds to create a fund for the acquisition by f state harbor commissioners, of a necessary area basin, for wharves, docks, piers, harbors and appur the city and county of San Francisco; to create a l for the payment of said bonds; and defining the ate officers in relation thereto; making an appropriate thousand dollars for the expense of printing and providing for the submission of this act to a people," the state treasurer shall, immediately uance of the proclamation of the governor, provided n 10 hereof, prepare one thousand suitable bonds of f California, in the denomination of one thousand

California, in the denomination of one thousand dollars. The whole issue of said bonds shall not exceed the million dollars, and said bonds shall bear interest at four per centum per annum, from the time of the sale of both principal and interest shall be payable in gold of present standard value, and they shall be payable to the order of the state treasurer, at the expiration of seventy years from their date, subject, however, to redemption by the state at any time thereafter provided. Said bonds shall bear date of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest on each of said bonds as are sold, shall be due and payable to the order of the state treasurer, on the second day of January, and on the second day of July, of each year after the date of issue; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so much of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all said bonds shall cease to bear interest, and likewise all bonds not so sold shall cease to bear interest, as in this act provided. The said state treasurer shall call in, forthwith payable to the order of the state treasurer, the "India Basin Sink" bonds, out of moneys in the fund, and he, shall on the second day of January, A. D. 1985, also cancel and destroy all said bonds not theretofore sold. All bonds issued shall be signed by the state treasurer, and countersigned by the controller, and shall be stamped thereon. Each bond shall contain a clause subject to redemption by lot after the year nineteen hundred and thirty-nine.

Interest coupons shall be attached to each of said bonds, and such coupons may be removed without injury to the bonds. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which shall intervene between the date of any of said bonds, and the date of sale thereof to a purchaser.

Sec. 9. This act shall be submitted to the people of the State of California, for their ratification at the next general election to be holden in the month of November, A. D. nineteen hundred and ten, and all ballots at said election shall have printed thereon, the words, "For the India Basin Act," and in the same square, under said words the following in briefer type: "This act provides for the acquisition of a tidal basin in the bay of San Francisco for harbor purposes, and for the payment of all costs thereof out of the 'San Francisco Harbor Improvement Fund.'" In the square immediately below the square containing said words, there shall be printed on said ballot, the words "Against the India Basin Act" and immediately below said words "Against the India Basin Act," in briefer type, shall be printed: "This act provides for the acquisition of a tidal basin in the bay of San Francisco, for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.'" Opposite the words "For the India Basin Act." and "Against the India Basin Act." there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words: "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinabove provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

SEC. 12. This act shall be known and cited as the "Indiana Basin Act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

W. B. POSTER

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Approved, March 24th, A. D. 1909.
J. N. GILLETT, Governor.

Endorsed: Filed in the office of the Secretary of State the 25 day of March, A. D. 1909, at 9:30 o'clock A. M. C. F. Curry, Secretary of State. By J. Hoess, Deputy.

SENATE BILL NO. 464.

Passed the Senate, March 12, A. D. 1909. Lewis A. Hilborn,
Secretary of the Senate.

Passed the Assembly, March 20, A. D. 1909. Clio Lloyd,
Chief Clerk of the Assembly.

This bill was received by the Governor, this 23d day of March, A. D. 1909, at 5 o'clock P. M. E. C. Cooper, Private Secretary of the Governor.

CHAPTER 623. *An Act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.*

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and interest thereon shall be payable in gold coin of the United States.

[illegible]

Sec. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Diego seawall act," and in a separate line under the same words "Against the San Diego seawall act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Diego seawall act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Diego seawall act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepalable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceeding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Diego harbor improvement fund, on controller's warrants to duly drawn for that purpose.

Sec. 12. The state controller and state treasurer are hereby directed to transfer from any moneys paid into the San Diego seawall fund under the provisions of this act to the general fund of the State of California, any and all sums of money theretofore transferred from said general fund to the San Diego seawall fund, together with interest on said moneys from the date of transfer at the rate of four per cent per annum.

SEC. 13. This act may be known and cited as the "San Diego seawall act of 1900."

W. R. PORTER.
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

of California and Propositions,

th day of November, A. D. 1910.

principal of and the interest on the bonds, issued
pursuant to the provisions of this act, as said principal
becomes due and payable.

be collected annually in the same manner and at the same time as other state revenue is collected such a sum, or the ordinary revenues of the state as shall be determined by law, the principal and interest on said bonds as provided, and it is hereby made the duty of all officers and agents of the state to do and perform each and every act which shall be necessary to collect such additional sum.

rer of the state shall, on the first day of January, the first day of each July and the first day of thereafter transfer from the general fund of the to the interest and sinking fund such an amount by this act appropriated as shall be required to est on the bonds theretofore sold, until the interest l bonds so sold shall have been paid or shall have accordance with the provisions of this act.

ereby created in the state treasury a fund to be designated as the "State Highway and Sinking Fund," and the state shall on the first day of January 1917, and on the first day of July, of each and every year thereafter, transfer to said fund the proceeds hereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer to said fund the proceeds of the sale of the principal of the bonds of the state treasury to the said state sinking fund such an amount of the moneys appropriated by the legislature for the purpose of making such act as may be required to pay the principal of the bonds so becoming due and payable in such years.

the principal of all of said bonds sold shall be paid the same becomes due, from the state highway sinking fund, and the interest on all bonds sold shall be paid at the same time the interest becomes due, from the interest and sinking fund, and the principal and interest shall be so paid upon warrants drawn by the controller of the state upon demands of the state board of examiners, and the faith of the State of California is hereby pledged for the payment of the said bonds so sold, and the interest accruing thereon.

the state controller and state treasurer shall keep
icular account and record of all their proceedings
t and they shall transmit to the governor in triplicate
tract of all such proceedings thereunder with an
in triplicate, one copy of each to be by the gov-
efore each house of the legislature biennially. All
pers pertaining to the matter provided for in this
all times, be open to the inspection of any party
the governor, or the attorney-general, or a com-
mer branch of the legislature or a joint committee
y citizen of the state.

the highway constructed or acquired under the this act shall be permanent in character and be oil or macadam or a combination of both, or of material as in the judgment of the said department shall be most suitable and best adapted to the quality traversed. The state department of engineering of the people of the State of California, may give by donation or dedication, or lease any right quarry or land necessary or proper for the construction and maintenance of said state highway and shall have power, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary right of way, rock quarry or land. The department shall have full power and authority to purchase material, machinery and to do all other things necessary and proper in the construction and maintenance of said highway. With the exception of those public highways which have been permanently improved under county or division bond issues within three years prior to the date of this act; all public highways within this state shall be the right of way of said state highway as determined by the department of engineering shall be the right of way of said state highway as determined by the department of engineering shall be the right of way of said state highway, without compensation being paid therefor. The provisions herein contained shall require the state to acquire the right of way along or on said right of way, prior to the acquisition of the permanent improvements.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund" or controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

Sec. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranes, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be, the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and that the principal of said bonds shall be paid on presentation

all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this act, and the state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

Sec. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, *provided* a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for

of the State of California, with legislative reasons, and Propositions,

ection to be held on the eighth day of November, A. D. 1910,
CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO, BY C. F. CURRY, SECRETARY OF STATE.

SACRAMENTO, CAL., October 5, 1910.

ty-eighth session, beginning on the 4th day of January, A. D. 1909, and ending on the 24th day of March, A. D. 1909, two ture voting in favor thereof, proposed the following several amendments to the constitution of the State of California Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; Senate Conment No. 14, all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of f the constitution of the State of California.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor harves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection there- d for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of ovide for the submission of this act to a vote of the people." Approved March 20, 1909.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor ks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment eto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the sub- 09.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state nts consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; ities of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense a vote of the people." Approved April 16, 1909.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of ounties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the con- e payment of said bonds; and providing for the submission of this act to a vote of the people." Approved March 22, 1909. s extraordinary session of the thirty-eighth session, beginning on the sixth day of September, A. D. 1910, and ending on lected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to y numbers, to wit: Senate Constitutional Amendment No. 52 and Assembly Constitutional Amendment No. 33. s second extraordinary session of the thirty-eighth session, beginning on the third day of October, A. D. 1910, and ending lected to each of the houses of said Legislature voting in favor thereof, proposed the following amendment to the con- iber, to wit: Senate Co. itutional Amendment No. 1.

ifornia, entitled "An act to amend section one thousand one hundred and ninety-five of the Political Code relating to ution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution March 10, 1909, and also, in pursuance of an act entitled "An act to add a new section to the Political Code of the State of nents to the constitution," approved March 10, 1909, I have caused to be printed and transmitted to each of the County nty of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the constitu- e next general election to be held on the eighth day of November, A. D. 1910.

Respectfully submitted.

C. F. CURRY, Secretary of State.

osed by this amendment to be fixed upon the public utility rations of this state are at par, if not higher, than the ge rate as fixed by the other states on public utility corpora-

e state board of equalization for three years last past have applying the principles of Amendment No. 1 in the assess- of steam railroads operating in this state, and by reason of increased those assessments from \$69,820,186, the assess- in 1905 under the old plan, to \$122,082,273 in 1909 under the proposed in the foregoing amendment. Thus, for the year the railroads paid in taxes on such state board assessments 6,606.42, while in 1909, under the plan proposed by this dment, they paid \$2,020,752.38, with substantially no increase lieage. The above results are the result of applying the ple of the amendment and not the increase in value of the rty.

J. B. CURTIN,
State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Constitutional Amendment No. 11.—A resolution to propose to eople of the State of California an amendment to the constitu- of the State of California, providing that a mortgage, deed of contract, or other obligation by which a debt is secured when is pledged as security for the payment thereof, together with ney represented by such debt, shall be exempt from taxation o that end amending section one and repealing section four of e thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

legislature of the State of California, at its regular session, ncing the fourth day of January, nineteen hundred and nine

Again: In many cases mortgaged property is reduced in the assessment below the true value of the mortgage, and the mort- gage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Mon- day in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property. On the score of economy the exemption from taxation of mort- gages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assess- ing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record- work performed where the mortgage is assessed, besides the labor involved in the care in the discovering the mortgage. Every assessor knows that the cost of assessing the property and the mortgage

eight thousand (\$8,000) a year, not counting actions or proceed- ings for restoration of destroyed records. The actions or proceed- ings excluded from the count are those brought under the act of the legislature generally known as the McInerney act.

The result is, in many cases, evidence is lost, witnesses leave, and litigants become discouraged and are deprived of that right, almost as important in civil as in criminal matters, a speedy hear- ing and determination of their case.

It is hoped by the proponents of this amendment that the judges from other counties may relieve the pressure upon the courts at the centers of population by holding court from time to time in those counties in addition to the judges thereof, as provided in this proposed amendment.

The salary of the superior judges is paid half by the state and half by the county.

This amendment will undoubtedly somewhat relieve the pressure upon the courts in the centers of population, render the judiciary system more flexible and serviceable to the people and not add a cent to the county or state tax for salaries of superior judges.

This proposed amendment of section 8 of article VI of the con- stitution of California, provides that as many judges of the superior court may hold court at one time in a county or city and county as there are judges elected in that county or city and county plus any judge who may be requested to hold court in said county or city and county by a judge of said county or city and county or requested so to do by the governor of the state. This can not be done under the law as it stands to-day.

You will note that upon the request of the governor it is the duty of a judge to hold court in another county, but when requested by a judge of the superior court he may accept or decline to act as in his judgment may be for the best interest of his own county.

In many of the sparsely settled counties there are judges of the superior court whose time is not fully occupied. If they were permitted to sit from time to time as judges in the more densely populated counties which have an immense volume of legal business, together with the judges of those counties (and they could so sit as judges if this amendment is adopted), they would greatly assist in relieving the pressure upon those courts and help restore them to a normal condition.

It is further provided in the proposed amendment to the con- stitution that attorneys at law may act as judges pro tempore (for the time) when requested so to do in a particular case or proceeding by the parties thereto, or their attorneys of record, and have all the powers of a judge of the superior court in that case or proceeding. The judge pro tempore must be agreed upon by both sides to an action or proceeding. This method of select- ing a judge pro tempore, when both sides have some lawyer before whom they wish to try their case, has worked very well in other communities and tends to relieve the congestion of business in overburdened courts.

We respectfully submit, in the interest of the whole community, the electors should vote for the proposed amendment.

LESTER G. BURNETT,
LOUIS H. ROSEBERRY,
Senate Committee for the Affirmative.

March 12, 1910.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

CHAPTER 42.

Senate Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the constitu- tion of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby pro- pose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Section 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Section 3 of article 11, proposed to be amended as above, now

Proposed Amendments to the Constitution of the State of

To be voted upon at the General Election to be held on the eig

AS CERTIFIED TO THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF

NOTICE TO VOTERS.

In the matter following, the provisions of the constitution as they now exist are printed in the ordinary faced type; the proposed changes in the constitution and new provisions thereof are shown in **black-faced type**. The reasons given by the Legislature for the adoption or rejection of such proposed constitutional amendments are shown in leaded type, enclosed in border. Propositions to be voted upon, not being amendments to the constitution, are printed in ordinary faced type.

C. F. CURRY, Secretary of State.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

CHAPTER 1.

Senate Constitutional Amendment No. 1.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California providing for the separation of state and local taxation, providing for the taxation of public service and other corporations for the benefit of the state, and to add and amend articles thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted October 3, 1910.]

Whereas, It is deemed desirable to separate the sources of revenue for state purposes from the sources of revenue for county and municipal purposes; now, therefore,

The legislature of the State of California, at its extraordinary session, commencing on the third day of October, nineteen hundred and ten, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railroads, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, canal, or vessel, in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies, and taxes upon all franchises of every kind and nature, shall be levied, assessed and collected for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies; all refrigerator, oil, stockfruit and other car-leasing and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rail rolling stock, poles, wires, pipes, canals, conduits, rights of way and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state,

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, on any property above enumerated of such companies except as otherwise provided; and provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; provided, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any state, county and municipal taxes paid by such companies on real estate owned and held by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions,

State of California,

Department of State. }

To the qualified electors of the State of California:

WHEREAS, the Legislature of the State of California, at its thirty-eighth session, beginning on the 4th day of January, 1965, three-fourths of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following amendments prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 12; Assembly Constitutional Amendment No. 13; Senate Constitutional Amendment No. 14; and Assembly Constitutional Amendment No. 15, all of which said constitutional amendments are contained in the attached bill, and the same shall become part of the Constitution of the State of California in the manner required by section one of article eighteen of the constitution of the State of California.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds for the construction of the harbor of the city and county of San Francisco; to provide for the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and with in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of said board; to provide for the payment of the principal and interest of said bonds; to define the duties of the five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people of the State of California."

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars mission of this act to a vote of the people." Approved March 24, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an of printing said bonds, and to provide for the submission of this act to a vote of the people." Approved April 16, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act authorizing the construction, acquisition, maintenance and repair of public works, bridges, levees, harbors, piers, wharves, docks, and other structures, and providing for the subscription of bonds therefor," approved April 10, 1909; California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the subscription of bonds therefor;

AND WHEREAS, the Legislature of the State of California, at its extraordinary session of the thirty-eighth session, the ninth day of September, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voted the constitution of the State of California prepared and distinguished by numbers, to wit: Senate Constitutional Amendment

AND WHEREAS, the Legislature of the State of California, at its second extraordinary session of the thirty-eighth : on the fifth day of October, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature vot- : stitution of the State of California prepared and distinguished by number, to wit: Senate Co. : tutional Amendment No.

Therefore, pursuant to an act of the Legislature of the State of California, entitled "An act to amend section one thousand four hundred and thirty-two of the Constitution of the State of California, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the result to be effected by the proposed amendment," approved March 10, 1909, and also, in pursuance of an act entitled "An act relating to the advertising of amendments to the constitution," approved March 10, 1909, I, Clerk of the Board of Supervisors of the County of San Francisco, do hereby certify that the following proposition or propositions shall appear upon the ballot at the next general election to be held on the eighth day of November, nineteen hundred and nine, to-wit:

Respectfully submit

This amendment is designed:

First—To separate state from local taxation as to sources of revenue and to provide that the State obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization annually equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in friction between these officials, and is and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

In order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now not paying their just proportion of taxes.

To illustrate: Such corporations as the express company, telegraph company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting that the express company may own its books and the other companies own a few miles of wires and poles. All other properties used by these different companies in nearly all of the towns of the state are owned by the agent.

proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past has been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessments \$1,306,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying the principle of the amendment and not the increase in value of property.

J. B. CURTIN,

J. B. CURTIN,

Committee appointed under the law to write argument in favor of the adoption of Sen Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.
CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured and land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from tax.

These companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loading and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; provided, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; provided, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; provided, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law. In the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid for thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness and outstanding city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section

First—To separate state from local taxation as to sources of revenue and to provide that the state obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization annually equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in friction between these officials, and is and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

In order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now not paying their just proportion of taxes.

To illustrate: Such corporations as the express company, telegraph company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting that the express company may own its books and the other companies own a few miles of wires and poles. All other properties used by these different companies in nearly all of the towns of the state are owned by the agent.

Each of these companies do a large and lucrative business in the state, and yet under the present system of ad valorem taxes, they can be taxed only for the value of the property that they own in each place, and owning nothing in most of the places they are taxed nothing. This is especially true in all country towns. Now, under the proposed amendment they are to be taxed upon their gross receipts absolutely, and, as a consequence, will pay nearly four times the taxes that each now pays, and then they will be only paying in the same proportion as other taxpayers are paying on the present basis of taxation, and all other public service corporations being increased alike, the result is that it can be mathematically demonstrated that over four million dollars of new revenue annually will be thus obtained if the present amendment is adopted; and as these public service corporations develop and extend their systems and increase business, the state will get a corresponding increase from them by way of taxes, and for every dollar that the state thus obtains that much is taken off of the other taxpayers.

When these sources of revenue are separated, all other forms of property than public service corporations will be taxed by the counties and cities only for county and city purposes, and as the state will have nothing to do with that property, the property can then be assessed at its actual cash value without injustice being done to the taxpayers; for example:

It takes only so much money to conduct the government of a county each year, and so far as the taxpayer is concerned in the revenues of the county, it makes no difference to him whether his assessment be high or low; for instance, A is assessed for ten thousand dollars, and the rate is one cent, his taxes amount to one hundred dollars; now, if he were assessed for twenty thousand dollars, and the rate was one half of one cent, his taxes would be but one hundred dollars. So, therefore, for county purposes, the aim of the assessor is to keep a low valuation and a high tax rate, because the state gets its taxes out of the same valuation, and the lower this valuation the less the state gets; and for that reason the state board of equalization is required to revise those valuations each year. In adjoining counties one assessor assesses land at, say, ten dollars per acre, and across the line the assessor of the other county assesses the same character of land at, say twelve dollars per acre; cattle in one county are assessed at fifteen dollars per head, and in the adjoining county at twelve dollars per head, and so on, and these unequal results are produced by the system now in force.

In one county this year that board raised the valuation 100 per cent, and the board of supervisors reduced the taxes 50 per cent, thus producing exactly the same revenue for the county as would have been produced at the previous rate and previous valuation, but the state got twice as much revenue by the increase in assessed valuation.

This amendment, if adopted, will obviate all this trouble, as the state will have no concern in what assessors do for their own counties. The present constitution provides for the assessing of railroad properties by the state board of equalization, but does not provide the method of arriving at the value of the property, and when thus assessed, the total taxes are divided among the counties in proportion to the number of miles of road in each county. The board of equalization has always endeavored to establish a method by which this valuation could be arrived at, but signally failed until the tax commission proposed the plan set forth in Amendment No. 1; before then the total taxes obtained from railroad companies varied from 3 to 3½ per cent of their gross receipts, and the tax commission furnished data to show that the assessed valuation of railroad properties should be such sum as would result in taxing them at 4 per cent of their gross earnings, and they would then be paying what the average taxpayer pays on a 60 per cent assessed valuation of his property, based on the average tax rate fixed throughout the state. This 4 per cent method was adopted in 1907 and 1908, and as a result the state obtained over \$1,600,000 in actual cash for railroad property taxes over and above what it would have obtained had the old method been followed, and as the earnings of the railroads increase the taxes paid to the state will correspondingly

increase. Proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past has been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessment \$1,306,606.42, while in 1909, under the plan proposed by amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying principle of the amendment and not the increase in value of property.

J. B. CURTIN,

State Senator

Committee appointed under the law to write argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured by land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation and to that end amending section one and repealing section two of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session commencing the fourth day of January, nineteen hundred and two thirds of all the members elected to each of the two houses said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the state except as otherwise in constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained provided by law, or as hereinafter provided. The word "property" as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other rights and things, real, personal, mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of the state.

Second. Section four of article thirteen is hereby repealed. Section 1 of article 13, proposed to be amended as above, reads as follows:

All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

Section 4 of article 13, proposed to be repealed as above, reads as follows:

A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by the party to such security; if paid by the owner of such security tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay tax so levied on such security, it shall constitute a payment thereof, and, to the extent of such payment, a full discharge thereof; provided, that if any such security or indebtedness shall be paid by such debtor or debtors, after assessment and before the tax on the amount of such levy may likewise be retained by such debtors, and shall be computed according to the tax levy for the preceding year.

The Reasons Why Senate Constitutional Amendment No. 11 Should Be Adopted.

To the Voters of California:

There is before the people to be voted upon at the coming election a proposed amendment to the State constitution which, if adopted, will abolish the assessment of mortgages. This proposed amendment is known as Senate Constitutional Amendment No. 11. It amends section 1 of article XIII and repeals section 4 of article XIII, of the constitution, relating to the assessment of mortgages, deeds of trust, contracts, and other obligations by which a debt is secured.

The framers of our present constitution in drafting the article relating to revenue and taxation had in view the relief of the owner of "mortgaged lands" from paying all the taxes, and the same time to arouse an interest in the hitherto untapped "money lending class" by making them pay the taxes upon their money loaned. This was certainly a laudable purpose.

by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than the rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past have been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason of increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the proposed in the foregoing amendment. Thus, for the year the railroads paid in taxes on such state board assessments \$6,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in the amount. The above results are the result of applying the principle of the amendment and not the increase in value of the property.

J. B. CURTIN,

State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11. CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, or other obligation by which a debt is secured when the property is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, and the members elected to each of the two houses of the legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the constitution of the State of California:

Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include lands, credits, bonds, stocks, dues, franchises, and all other matters, real, personal, mixed, or intangible, of private ownership, and things, real, personal, mixed, or intangible, of public ownership, provided, that a mortgage, deed of trust, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation, and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits due to bona fide residents of this state.

Section four of article thirteen is hereby repealed. Section 1 of article 13, proposed to be amended as above, now reads as follows:

Section 1. All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include lands, credits, bonds, stocks, dues, franchises, and all other matters, real, personal, mixed, or intangible, of private ownership, and things, real, personal, mixed, or intangible, of public ownership, provided, that property used for free public libraries and free museums, growing crops, property used exclusively for schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state, shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits due to bona fide residents of this state.

Section 4 of article 13, proposed to be repealed as above, now reads as follows:

Section 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, the value of debt so secured, the value of the property affected by the mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of such security, the debt so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the debt so levied upon such security, it shall constitute a payment thereon to the extent of such payment, a full discharge thereof; provided, that if any such security or indebtedness shall be paid by any debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Reasons Why Senate Constitutional Amendment No. 11 Should Be Adopted.

the Voters of California:

There is before the people to be voted upon at the coming election a proposed amendment to the State constitution which, if adopted, will abolish the assessment of mortgages. This proposed amendment is known as Senate Constitutional Amendment No. 11. It amends section 1 of article XIII and repeals section 4 of article XIII, of the constitution, relating to the assessment of mortgages, deeds of trust, contracts, and other obligations by which a debt is secured.

The framers of our present constitution in drafting the article relating to revenue and taxation had in view the relief of the owner of "mortgaged lands" from paying all the taxes, and at the same time to arouse an interest in the hitherto untaxed money lending class" by making them pay the taxes upon their money loaned. This was certainly a laudable purpose and it has been carried to a logical conclusion. But the

assessment below the true value of the mortgage, and the mortgage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Monday in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property.

On the score of economy the exemption from taxation of mortgages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assessing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record-work performed where the mortgage is assessed, besides the labor involved in the care in the discovering the mortgage. Every assessor knows that the cost of assessing the property and the mortgage is not less than three times the cost of assessing merely the property.

We know that the plea is that by exempting the mortgage from taxation the capitalist is not taxed. But this is urged without reflection, for, as has been shown, the lender simply recoups from the needy borrower all and more than the taxes he pays.

On the whole, we see no good result in assessing mortgages. On the contrary, if mortgages were free from taxation, the rate of interest would be less, the cost of assessment less, and the borrower would be less at the mercy of the money lender.

We appeal to the common sense of the people of the state, who are suffering from a self-imposed burden, to vote for the adoption of this amendment and exempt mortgages and deeds of trust from taxation.

J. B. CURTIN,

H. S. G. MCCARTNEY,

State Senators,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 11.

SENATE CONSTITUTIONAL AMENDMENT NO. 36.

CHAPTER 34.

Senate Constitutional Amendment No. 36.—A resolution to propose to the people of the State of California an amendment to article six, section eight of the constitution, relating to judges of the superior court.

[Adopted March 19, 1909.]

The legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the senate and assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the constitution of this state be amended to read as follows:

Section 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

Section 8 of article 6, proposed to be amended as above now reads as follows:

A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

Argument of Senate Committee for the Affirmative, composed of Senators Burnett and Roseberry, in the matter of the proposed Senate Constitutional Amendment No. 36, regarding judges of the Superior Court, to be voted on at the general election in November, 1910.

Senate Constitutional Amendment No. 36 (Senator Lester G. Burnett, of the Twenty-fifth Senatorial District, author) is proposed for the purpose of facilitating the conduct of the business of the superior courts in the various counties and cities and counties of the State of California.

The constitution provides: "There may be as many sessions of said court at the same time as there are judges thereof."

The above provision of the constitution is held to mean that

the electors should vote for the proposed amendment.

LESTER G. BURNETT,

LOUIS H. ROSEBERRY,

Senate Committee for the Affirmative.

March 12, 1910.

SENATE CONSTITUTIONAL AMENDMENT NO. 38.

CHAPTER 42.

Senate Constitutional Amendment No. 38.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section three of article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thousand nine hundred and nine, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section three of article XI of the constitution of the State of California, be amended so as to read as follows:

Section 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Section 3 of article 11, proposed to be amended as above, now reads as follows:

The legislature, by general and uniform laws, may provide for the formation of new counties; provided, however, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Statement in Favor of Senate Constitutional Amendment No. 38.

Under the present constitutional provision a new county may be formed with a population of five thousand, and the population of the county from which its territory is taken may be reduced to eight thousand. If the amendment should be adopted, no new county can be formed with a population less than eight thousand, and the population of any county from which territory is taken can not be reduced to less than twenty thousand. The purpose of the amendment is to make it more difficult to organize new counties within the state. Heretofore there has been much agitation in certain localities of the state, and much time of the legislature has been occupied in controversies over the proposed formation of new counties from the territory of one or more old counties. Such controversies often arise out of local prejudice, and sometimes the new county is promoted largely as a real estate venture by residents of a locality that is ambitious to become a county seat. The formation of a new county is always attended by a heavy tax rate, and unless the necessity for a change is clearly apparent the political subdivisions of the state should remain unchanged. Stability in the boundaries of our counties is desirable from almost every point of view. The constitutional amendment proposed, if adopted, will tend to make our county boundaries more stable and largely put a stop to efforts to cut the state up into small and impetuous political subdivisions. The proposed amendment is therefore desirable.

LEROY A. WRIGHT,

State Senator, Fortieth District.

HENRY M. WILLIS,

State Senator, Thirtieth District.

SENATE CONSTITUTIONAL AMENDMENT NO. 44.

CHAPTER 27.

Senate Constitutional Amendment No. 44.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing for the classification by the legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the constitution of the State of California.

[Adopted March 16, 1909.]

The legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the constitution of the State of California:

First. Section five of article twelve is hereby amended to read as follows:

Section 5. The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

Section 5 of article 12, proposed to be amended as above, now reads as follows:

The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

all be self-executing, and to carry this section into effect, the Commission shall assess the performance of the officers in connection with the taxation fixed in this section. The legislature, two-thirds of each house voting in favor, shall become a lien on the adoption of this section.

gross earnings, and they would then be paying what the taxpayer pays on a 60 per cent assessed valuation of his property based on the average tax rate fixed throughout the state. The 4 per cent method was adopted in 1907 and 1908, and as a result the state obtained over \$1,600,000 in actual cash for road property taxes *over and above* what it would have obtained had the old method been followed, and as the earnings of the roads increase the taxes paid to the state will correspondingly increase.

The framers of our present constitution, relating to revenue and taxation had in view the relief of owner of "mortgaged lands" from paying all the taxes, and the same time to arouse an interest in the hitherto untaxed "money lending class" by making them pay the taxes on their money loaned. This was certainly a laudable purpose and could it have been carried to a logical conclusion. But

The constitution provides: There shall be one supreme court at the same time as there are supreme courts of the several States.

The above provision of the constitution is not inconsistent with the fact that only the same number of judges of the

Amendments to the Constitution of the State of California, with legislative reasons for adoption thereof,

to be voted upon at the General Election to be held on the eighth day of November, A. D. 1910,
THE COUNTY CLERKS OF THE SEVERAL COUNTIES OF THE STATE OF CALIFORNIA, AND TO THE REGISTRAR OF VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO, BY C. F. CURRY, SECRETARY OF

the State of California,
Department of State.

to the qualified electors of the State of California:

WHEREAS, the Legislature of the State of California, at its thirty-eighth session, beginning on the 4th day of January, A. D. 1909, and ending on the 24th day of March, A. D. 1909, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the constitution of the State of California, numbered and distinguished by numbers, to wit: Senate Constitutional Amendment No. 11; Senate Constitutional Amendment No. 36; Senate Constitutional Amendment No. 38; Senate Constitutional Amendment No. 44; and Assembly Constitutional Amendment No. 14, all of which said constitutional amendments were duly passed by the Senate and Assembly of the State of California in the manner required by section one of article eighteen of the constitution of the State of California.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor and the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people." Approved March 20, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people." Approved March 24, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people." Approved April 16, 1909.

AND WHEREAS, said Legislature duly passed an act entitled "An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people." Approved March 22, 1909.

AND WHEREAS, the Legislature of the State of California, at its extraordinary session of the thirty-eighth session, beginning on the sixth day of September, A. D. 1910, and ending on the ninth day of September, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following several amendments to the constitution of the State of California prepared and distinguished by numbers, to wit: Senate Constitutional Amendment No. 52 and Assembly Constitutional Amendment No. 33.

AND WHEREAS, the Legislature of the State of California, at its second extraordinary session of the thirty-eighth session, beginning on the third day of October, A. D. 1910, and ending on the fifth day of October, A. D. 1910, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, proposed the following amendment to the constitution of the State of California prepared and distinguished by number, to wit: Senate Constitutional Amendment No. 1.

Therefore, pursuant to an act of the Legislature of the State of California, entitled "An act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution of the State of California, and of the result to be effected by the proposed amendment," approved March 10, 1909, and also, in pursuance of an act entitled "An act to add a new section to the Political Code of the State of California, to be numbered 1195a, relating to the advertising of amendments to the constitution," approved March 10, 1909, I have caused to be printed and transmitted to each of the County Clerks in this State, and to the Registrar of Voters of the city and county of San Francisco, for distribution to said qualified electors, copies of the said proposed amendments to the constitution of the State of California and propositions to be voted upon at the next general election to be held on the eighth day of November, A. D. 1910.

Respectfully submitted.

C. F. CURRY, Secretary of State.

Each amendment is designed:

First—To separate state from local taxation as to sources of revenue and to provide that the State obtain its revenue from the earnings of public service corporations; the counties and cities to obtain their revenues from all other forms of property. This will obviate the necessity of the state board of equalization in equalizing the values in the different counties, as arrived at by the assessors, a proceeding which has always resulted in contention between these officials, and in and always has been productive of inequality of taxation.

Second—To lessen the burden of taxation of the now overtaxed farmer and real estate owner by requiring public service corporations to pay their just share of taxes.

Third—To insure a steady, adequate, and non-political taxation of public service corporations, insurance companies and banks, and thereby to a large extent keep those corporations out of politics.

Fourth—To order that the voter might appreciate what this amendment is expected to do the commission asserts that it will produce annually over four millions of dollars from sources that are now paying their just proportion of taxes.

Fifth—To illustrate: Such corporations as the express company, telephone company, and telephone company operate in every city and county in the state, but in few places in the state do any of these companies have any real estate or personal property, excepting the express company may own its books and the other companies own a few miles of wires and poles. All other properties are owned by these different companies in nearly all of the towns of the state.

proposed by this amendment to be fixed upon the public utility corporations of this state are at par, if not higher, than the average rate as fixed by the other states on public utility corporations.

The state board of equalization for three years last past have been applying the principles of Amendment No. 1 in the assessment of steam railroads operating in this state, and by reason thereof increased those assessments from \$69,820,186, the assessment in 1905 under the old plan, to \$122,082,273 in 1909 under the plan proposed in the foregoing amendment. Thus, for the year 1905 the railroads paid in taxes on such state board assessments \$1,306,606.42, while in 1909, under the plan proposed by this amendment, they paid \$2,020,752.38, with substantially no increase in mileage. The above results are the result of applying the principle of the amendment and not the increase in value of the property.

J. B. CURTIN,

State Senator,

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 1.

SENATE CONSTITUTIONAL AMENDMENT NO. 11.

CHAPTER 26.

Senate Constitutional Amendment No. 11.—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with

Again: In many cases mortgaged property is reduced in the assessment below the true value of the mortgage, and the mortgage for assessment purposes is reduced to the assessment of the property. The borrower still pays to the money lender the full amount of the taxes estimated as interest, but the lender pays only the taxes upon the reduced value.

Again: If a mortgage be executed in the middle of March the borrower pays until the first Monday of March of the following year a tax in the form of added interest, which is never paid by the lender.

The instances are numerous where the owner has lost his property through tax sales based on these mortgage assessments. A mortgage is assessed against the property on the first Monday in March; soon after that date the mortgage is paid off and satisfied. In nine cases out of ten the money lender will neglect and refuse to pay the mortgage tax, and the same chances are that the property owner will never think of the mortgage tax when he pays his own tax. The resulting consequence is that the land is sold to the state for the mortgage tax. In due time the state finds a purchaser and sells the property without the owner ever knowing there was a delinquent tax against his property.

On the score of economy the exemption from taxation of mortgages might be urged: First, the clerical labor in the banks in keeping track of the assessment of mortgages is augmented, and must be paid for by increase of interest; second, the assessment of mortgages is costly to the county. The recorder has to make a record of each mortgage for the use of the assessor. In assessing a mortgage it has to be described with the same particularity as the property mortgaged. There is, in fact, double the record-

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subscription, enlarged to seven and one-half million one half
The citizens desire to adopt a bond issue, which now meets
some legal interference, through a provision of the state constitution
and a provision in the charter.
This amendment to the constitution is simply an "enabling
act" to permit the people of San Francisco, for this time only, to
amend their charter in this particular, and granting permission
for the occupation, for exposition purposes, of the westerly
portion of Golden Gate Park, if that site should be selected,
which part is now little used by pedestrians and pleasure-seekers,
without further consent of the legislature, so that the bond issue
may be at once adopted, and without any objection in law as to
its validity.
The voting of this amendment will place San Francisco, from
its own resources alone, in position to combat the claims of New
Orleans and the State of Louisiana, with twelve million five
hundred thousand dollars, and will, itself, go far to insure to Cal-
ifornia and the Pacific coast the holding of this exposition, which
means more to the whole state than any event in our generation.
The completion of the Panama canal brings the markets of the
world to the shores of California.
This is the opportunity of our people to grasp manifest destiny.
If the people of San Francisco desire to bond themselves, I, as
a resident of southern California, can see no reason why the rest
of the state should offer any objection, but the consent of a
majority of the people is necessary to enable them under the law
to do this, and the vote to permit them ought to be unanimous.
PHILIP A. STANTON,
Speaker of the Assembly,
Committee appointed under the law to write the argu-
ment in favor of the adoption of Assembly Constitu-
tional Amendment No. 33.

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of the state should offer any objection, but the consent of a
majority of the people is necessary to enable them under the law
to do this, and the vote to permit them ought to be unanimous.
PHILIP A. STANTON,
Speaker of the Assembly,
Committee appointed under the law to write the argu-
ment in favor of the adoption of Assembly Constitu-
tional Amendment No. 33.

SENATE BILL NO. 485.
CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; provided, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon

until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 993.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the third day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to-wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided and canceled by the treasurer of said state. All bonds remaining unsold shall, at the date of the maturity thereof be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Sec. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bonds and the day of sale thereof, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation bill sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.
The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition

said bonus; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of harbor commissioners for the acquisition of the necessary tidal basin, extending the area of India basin, on the western side of the city and county of San Francisco, as provided in an act of the state of California, approved March 24, 1909, to-wit: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against every north of India basin, and extending to Islais creek and county of San Francisco, and extending the jurisdiction board over the same, and providing for the payment of from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of bonds to create a fund for the acquisition by the board of harbor commissioners, of a necessary area for a tidal wharves, docks, piers, harbors and appurtenances, in the county of San Francisco, to create a sinking fund for the payment of said bonds; and defining the duties of state officers thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,' the state treasurer, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale of said bonds, and the interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the "India Basin Sinking Fund," provided for in this act, and he shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and eighty-five.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund, on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on the bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.
The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the acquisition

subject, however, to redemption by lot as in this act here-
 vided. Said bonds shall bear date the second day of Jan-

principal and interest of the mortgages herein created shall be discharged, and the governor shall make proclamation thereon; but if a majority of the votes cast as aforesaid are against it, then the same shall be and become void.

11. It shall be the duty of the secretary of state to have this published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on contracts and warrants duly drawn for that purpose.

12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1903."

13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

Authorizing the construction, acquisition, maintenance and repair of a system of state highways in the State of California; fixing the work, fixing the payments to be made by counties; moneys expended therein; providing for the issuance and sale of bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

People of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at not to exceed eighteen million dollars. For the purpose of paying for the payment of the cost of the construction or acquisition of said system of state highways the State of California is authorized to incur an indebtedness in the manner provided in this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor provided in section 11 of this act, the treasurer of the State of California shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear the date of the first day of July, 1911. The total issue of said bonds shall not exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of their issue. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and four hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest on all of said bonds shall be due and payable at the office of the treasurer of the state on the third day of January in each and every year after the sale of said bonds. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold on the day of their maturity be paid as herein provided and canceled and destroyed. All bonds remaining unsold at the date of the maturity thereof be by the treasurer of the State of California, signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned and sealed as herein provided, when sold, shall constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the treasurer who shall be in office on the third day of July, 1911. Interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, by the purchaser of said bond, paid to the state at the time of such sale.

3. There shall be provided in the general appropriation bill money to defray all expenses that shall be incurred by the treasurer in the preparation of said bonds and in the advertising the sale thereof, as in this act provided.

4. When the bonds authorized by this act to be issued shall have been signed, countersigned, endorsed and sealed as in section 1 provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do, and by a resolution duly adopted and passed by a majority of the advisory board of the department of engineering. Said resolution shall specify the amount of money which, in the judgment of said board shall be required at such time and the number of the state shall direct the state treasurer to sell such of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of said bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale conduct such sale as to the whole or any part of the bonds offered to time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Los Angeles, and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale.

5. There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall pay the state treasurer and cause to be placed in said state highway fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount so sold shall be by the treasurer of the state, immediately after sale, paid into the treasury of the state and placed in the said sinking fund.

6. The moneys placed in the state highway fund, pursuant to the provisions of this section, shall be used exclusively for the construction of

of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco,' to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date on the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; provided that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and, he shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Sinking Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crackage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of

on the second day of July, nineteen hundred and eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

SEC. 2. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, nineteen hundred and eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SEC. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

SEC. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, provided a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds, and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said amount of money, and that said bonds shall be sold in consecutive, numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may, at the time and place fixed by him for such sale, continue such sale as to the whole or any part of said bonds to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale the state treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for said sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco, one newspaper published in the city of Los Angeles, one newspaper published in the city of San Diego, and one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Diego harbor improvement fund on controller's warrants duly drawn for that purpose, and the treasurer must pay the same. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "San Diego Seawall Fund," and must be used exclusively for the construction of a seawall, wharves, piers, state railroad, spurs, berths and appurtenances thereto on the water front of the bay of San Diego. Drafts and warrants upon the said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Diego harbor improvement fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Diego Seawall Sinking Fund" shall be, and the same is hereby created, to wit: The state treasurer, after the second day of January, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Diego harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding at the time said treasurer shall so take said sum from said San Diego harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Diego Seawall Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners of San Diego are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crackage to collect a sum of money sufficient for the purposes of this act, over and above any limitations existing in the existing section of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and fifty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the county of San Francisco, and also in one newspaper published in the city of San Diego and also in one newspaper published in the city of Los Angeles, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Diego harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in exact accordance with the controller's warrants duly drawn for

Political Code of the State of California. Between the first tenth day of May, in the year nineteen hundred and fifty-one between the first and tenth day of May of each year thereafter the maturity of said bonds, the said treasurer shall, in the name of the governor, proceed to draw by lot such an amount of said sinking fund at that time, and shall thereupon and before the day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as bonds so drawn by lot are surrendered to him and paid to the same, and the interest coupons thereon, and each year ending with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the sinking fund, and proceed in the manner here stated. After the payment of all said bonds, the surplus or amount remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and use the proceeds for the payment of such bonds as may be due by lot, and at the maturity of said bonds outstanding shall redeem said matured outstanding bonds out of said moneys drawn in extinguishment of said bonds on controller's warrants drawn for that purpose.

6. The state controller and the state treasurer shall keep full and correct account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor before the legislature biennially, and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the secretary general, or a committee of either branch of the legislature, or joint committee of both, or any citizen of the state.

7. It shall be the duty of the state treasurer to pay the principal of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

8. This act, if adopted by the people, shall take effect on the first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the same, and as to said excepted provisions this act shall take effect immediately.

9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and all said election shall have printed thereon and at the end of the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Harbor Improvement Fund." In the square immediately above the square containing said words, there shall be printed on all the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909," in briefer type be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909," and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left blank space in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the act, then the same shall be and become void.

11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten; the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; fixing the work, fixing the payments to be made by counties moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is authorized to incur an indebtedness in the manner provided in this act in the sum of eighteen million dollars.

Sec. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway, with the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; provided nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

Sec. 9. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1910, as to all its provisions except those relating to, and necessary for, its submission to the people and for returning, canvassing and proclaiming the votes, and to such accepted provisions this act shall take effect immediately.

Sec. 10. This act shall be submitted to the people of the State of California for their ratification at the next general election to be held in the month of November, 1910, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the state highway act"; and in a separate line, under the same, the words "Against the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 11. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast as aforesaid, are against this act then the same shall be and become void.

Sec. 12. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Sec. 13. This act shall be known and cited as the "state highway act."

Sec. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SENATE BILL NO. 227.

CHAPTER 407.

An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islals creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,'" the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and standard value, and they shall be payable in gold coin of the present treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date on the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July of each year thereafter.

they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words: "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city, and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act shall be known and cited as the "India Basin Act."

Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SENATE BILL NO. 464.

CHAPTER 623.

An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners for the bay of San Diego of harbor improvements consist of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of one thousand five hundred dollars for the expense of printing said bonds, and to provide for the submission of this act to a vote of the people.

[Approved April 16, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the bay of San Diego for harbor improvements consist of for the erection of a seawall, wharves, piers, state railroad, spurs, betterments and appurtenances in the county of San Diego, at a cost not to exceed one million five hundred thousand dollars, which said seawall, wharves, piers, state railroad, spurs, betterments and appurtenances the said board of state harbor commissioners for San Diego bay are hereby empowered to construct in the manner authorized by law, at a cost not to exceed one million five hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor provided for in section ten of this act, prepare fifteen hundred suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to fifteen hundred, inclusive, and to bear date of the second day of July, nineteen hundred and eleven. The total issue of said bonds shall not exceed the sum of one million five hundred thousand dollars, and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable, in gold coin of the United States of said state, on the second day of July, nineteen hundred and eleven, subject, however, to redemption by lot as in this act hereinafter provided. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the second day of January and the second day of July of each year after the sale of the same. At the expiration of seventy-four years from the date of said bonds, all bonds shall cease to bear interest, and likewise all bonds redeemed by lot as hereinafter provided shall cease to bear interest according to the provisions of this act, and the state treasurer shall call in and forthwith pay and cancel the same out of the moneys in the San Diego seawall sinking fund provided for in this act, and he shall on the date of the maturity of said bonds cancel and destroy all bonds not theretofore sold. All bonds remaining unsold shall, at the date of the maturity thereof, be by the treasurer of the state canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller, and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, nineteen hundred and eleven, and each of said bonds shall have the great seal of the State of California impressed thereon, and said bonds signed, countersigned, endorsed and sold as herein provided, shall be and constitute a valid and binding obligation upon the State of California though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either thereof, shall have ceased to be an incumbent of said office or offices.

Sec. 2. Attached to each of said bonds there shall be interest coupons so attached that the same may be detached without injury or mutilation of said bonds, and said coupons shall be consecutively numbered, and shall bear the lithographic signature of the state treasurer who shall be in office on the second day of July, nineteen hundred and eleven. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, unless said accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of one thousand five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. The state controller is hereby authorized and directed to draw his warrant for the expense incurred in preparing the said bonds, and the state treasurer is hereby directed to pay the same.

Sec. 4. When the bonds authorized to be issued by this act shall have been signed, countersigned and endorsed, as in section 1 provided, the state treasurer shall sell the same for cash to the highest bidder in such parcels and numbers as the governor of the state shall direct, provided a resolution requesting such sale shall have been adopted by the board of state harbor commissioners for San Diego bay, and said board shall not pass such resolution until in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts. Said resolution shall specify the number of bonds necessary to produce the amount of money which, in the judgment of said board of harbor commissioners, shall be required at such time, and the governor of the state shall direct the state treasurer to sell such number of said bonds to raise said

the holding of the fair at New Orleans.

Louisiana's assessable property amounts to five hundred million dollars, while that of California amounts to two and one half billion dollars.

At an extraordinary session of the legislature of this state, Senate Constitutional Amendment No. 52 was passed by practically a unanimous vote of both houses.

The purpose of the amendment is to raise a state fund by a small tax, not exceeding fifty (50) cents on the one thousand dollar property valuation, each year for a period of four years. This will raise the sum of five million dollars, which is to be the state's contribution toward the holding of the exposition in San Francisco.

The citizens of San Francisco have raised by popular subscription more than six and one half million dollars, and the city and county of San Francisco is now proposing to bond itself to the extent of five million (5,000,000) dollars more, so that if this constitutional amendment be adopted the State of California will be in a position to go before the congress at its session in December with a showing as follows:

Subscribed by the citizens of San Francisco--	\$6,500,000
The State of California--	5,000,000
The city and county of San Francisco by bond issue -----	5,000,000
	\$16,500,000

making a total of sixteen million five hundred thousand dollars, which it is expected will be increased to seventeen million five hundred thousand (17,500,000) dollars by a further subscription of the citizens of San Francisco.

Of the five million dollars to be raised by the state, when this amendment shall be adopted, San Francisco will pay one fourth thereof, which is in addition to the contribution of its citizens, and of the five million dollars which is to be raised by bonding the said city, and by adding the cities immediately about the bay, one third of this tax will be raised, leaving the amount to be contributed by the rest of the state very small in proportion to the enormous advantages that will accrue to the entire state.

This is not a San Francisco affair by any means; it is a matter in which the entire state is vitally interested. Heretofore California has expended large amounts of money by state appropriations to exhibit the products of our state at international expositions held elsewhere, in this country and in foreign countries. We exhibited at the Centennial exposition at Philadelphia, at Chicago, at St. Louis, at Buffalo, at Portland, and at Seattle, in this country, and in Paris and Hamburg, in Europe.

All thinking men agree that these investments were most productive in result and benefits. In these instances we paid to take California to meet the world. In this case we propose to spend the money raised among ourselves to bring the world to see California on the great historical occasion,—the completion of the Panama canal,—the union of the Atlantic and Pacific oceans,—the opening to California of a world of possibilities.

Tens of thousands of people from all over the world will come to California, they will visit every section of it, they will become interested in the products of the soil, the sea, the farms, orchards, vineyards, mines, and oil fields, and many will remain to enjoy our climate and abundance, they in turn becoming prosperous and adding to the riches of the state.

We have an empire within our state capable of providing for and sustaining over ten millions of people. We have a climate unsurpassed, and soil as rich as any in the world. What we need to make our state greater and more prosperous is a larger population of God-fearing and law-abiding citizens, who will help to build up our commonwealth and support our institutions.

The holding of this exposition will attract that class of people. When the canal shall be opened people can come direct from Europe to San Francisco without touching any Eastern port. Low rates of fare from Eastern cities to California will prevail, and the eyes of the world will indeed be upon us.

The adoption of this amendment will be the first step to enable us to go before the congress of the United States to show the united sentiment of the people of California. Every citizen should vote for the constitutional amendment.

The expenditure of the money to be raised, if this amendment be adopted, is under the control of the incoming governor of the State of California and four other commissioners to be appointed by the governor and to be selected by him from different sections of the State of California.

This exposition will be the greatest the world has ever seen.

EDWARD I. WOLFE, State Senator.

Committee appointed under the law to write the argument in favor of the adoption of Senate Constitutional Amendment No. 52.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14.

CHAPTER 44.

Assembly Constitutional Amendment No. 14.—A resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new section thereto to be numbered section 25 of article one thereof, relating to the right of the people to fish.

[Adopted March 27, 1909.]

The legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said legislature voting in favor thereof, hereby propose that a new section be added to the constitution of the State of California to be numbered section 25 of article one thereof to read as follows:

Section 25. The people shall have the right to fish upon and from the public lands of the state and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the state shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this state for the purpose of fishing in any water containing fish that have been planted therein by the state; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

Reasons Why Assembly Constitutional Amendment No. 14 Should Be Favorably Voted Upon by the People of California.

The inland streams and coast waters of the State of California

that by the date of election, that sum will have been, by popular subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation. The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,

Speaker of the Assembly.

Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitutional Amendment No. 33.

SENATE BILL NO. 485.

CHAPTER 320.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; provided, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty.

Sec. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. The sum of five thousand dollars hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash. In such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value

shall have effect as hereinafter provided, and shall be in full payment until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are again this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have it published in at least one newspaper in each county, or city or county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1907."

Sec. 13. All acts and parts of acts in conflict with the provision of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California specifying the work, fixing the payments to be made by count for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the governor, as provided in section 11 of this act, the treasurer of the state shall prepare eighteen thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from 1 to 18,000 inclusive, and to bear date the third day of July, 1911. The total issue of said bonds shall exceed the sum of eighteen million dollars and they shall bear interest at the rate of four per cent per annum from the date of issuance thereof. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard value at the office of the treasurer of said state at the times and in the manner following, to wit: The first four hundred of said bonds shall be due and payable on the third day of July, 1917, and hundred of said bonds in consecutive numerical order shall be due and payable on the third day of July in each and every year thereafter until and including the third day of July, 1961. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the treasurer of the state on the third day of January and the third day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided canceled by the treasurer of said state. All bonds remaining unsold, at the date of the maturity thereof be by the treasurer of state canceled and destroyed. All bonds issued pursuant to provisions of this act shall be signed by the governor of this state countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the third day of July, 1911, and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices. Sec. 2. Appended to each of said bonds there shall be attached coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1911. No interest shall be paid on any of said bonds for such time as intervene between the date of said bond and the day of sale thereof unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Sec. 3. There shall be provided in the general appropriation sufficient money to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided.

Sec. 4. When the bonds authorized by this act to be issued, have been signed, countersigned, endorsed and sealed as in section one provided, the state treasurer shall sell the same in such parcels and numbers as the governor of the state shall direct, to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested so to do through and by a resolution duly adopted and passed by a majority vote of the advisory board of the department of engineering. The resolution shall specify the amount of money which, in the judgment of said advisory board shall be required at such time and the governor of the state shall direct the state treasurer to sell number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order commencing with the first four hundred thereof. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale, cause such sale as to the whole or any part of the bonds offered such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the state treasurer shall detach therefrom all coupons which have matured or mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last aforesaid provided for, the state treasurer may give such further notice as may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each so advertised.

There is hereby created in and for the state treasury a fund to be known and designated as the "State Highway Fund," and immediately after such sale of bonds the treasurer of the state shall place the same in said fund and cause to be placed in said state highway fund the total amount received for said bonds except such amount as may have been paid as accrued interest thereon. The amount that shall have been paid at such sale as accrued interest on said bonds sold shall be by the treasurer of the state, immediately after such sale, paid into the treasury of the state and placed in the interest and sinking fund.

port of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the legislature."

Provided, however, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama Pacific International Exposition, the state board of equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the state, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the 1st day of July, 1910, and in the same manner, and by the same method, as other state taxes were levied, assessed, and collected under the law, as the same existed on the 1st day of July, 1910. The state board of equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama Pacific International Exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama Pacific International Exposition Commission of the State of California, which shall consist of the governor of said state and four other members to be appointed by the governor, by and with the advice and consent of the senate of said state. The governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the state, and the appointment thereof shall be made by the governor of the state during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama Pacific International Exposition fund; and provided further that the legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which money shall be drawn from the state treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California of any portion of said Panama Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as to entitle the State of California to share proportionately with the contributors to the said Panama Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.

The Reasons Why Senate Constitutional Amendment No. 52 Should Be Adopted.

The cities of San Francisco and New Orleans are rivals for the honor of being designated by the congress of the United States as the place to hold the Panama-Pacific International Exposition in 1915, to properly celebrate the opening of the Panama canal.

The State of Louisiana, at a special session of its legislature, submitted to its citizens the proposition to bond that state in the sum of six and one half million dollars, the money to be used for the holding of the fair at New Orleans.

Louisiana's assessable property amounts to five hundred million dollars, while that of California amounts to two and one half billion dollars.

At an extraordinary session of the legislature of this state, Senate Constitutional Amendment No. 52 was passed by practically a unanimous vote of both houses.

The purpose of the amendment is to raise a state fund by a small tax, not exceeding fifty (50) cents on the one thousand dollar property valuation, each year for a period of four years. This will raise the sum of five million dollars, which is to be the state's contribution toward the holding of the exposition in San Francisco.

The citizens of San Francisco have raised by popular subscription more than six and one half million dollars, and the city and county of San Francisco is now proposing to bond itself to the extent of five million (5,000,000) dollars more, so that if this constitutional amendment be adopted the State of California will be in a position to go before the congress at its session in December with a showing as follows:

Subscribed by the citizens of San Francisco	\$5,500,000
The State of California	5,000,000
The city and county of San Francisco by bond issue	5,000,000

\$16,500,000

making a total of sixteen million five hundred thousand dollars, which it is expected will be increased to seventeen million five hundred thousand (17,500,000) dollars by a further subscription of the citizens of San Francisco.

Of the five million dollars to be raised by the state, when this amendment shall be adopted, San Francisco will pay one fourth thereof, which is in addition to the contribution of its citizens, and of the five million dollars which is to be raised by bonding the said city, and by adding the cities immediately about the bay.

Panama Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by section 9 of article XII of said charter.

(c) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(e) Authorizing said Panama Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco.

The Reasons Why Assembly Constitutional Amendment No. 33 Should Be Adopted.

The object of this amendment is purely local to the city and county of San Francisco.

The people of San Francisco desire to immediately amend the city charter to enable them to adopt a five million dollar bond issue for the purpose of holding an exposition in nineteen hundred and fifteen, for the celebration, on behalf of the State of California, of the completion of the Panama canal.

The citizens of San Francisco have subscribed, as individuals, the sum of six and one half million dollars, and it is expected that by the date of election, that sum will have been, by popular subscription, enlarged to seven and one half millions.

The citizens desire to adopt a bond issue, which now meets some legal interference, through a provision of the state constitution and a provision in the charter.

This amendment to the constitution is simply an "enabling act" to permit the people of San Francisco, for this time only, to amend their charter in this particular, and granting permission for the occupation, for exposition purposes, of the westerly portion of Golden Gate Park, if that site should be selected, which part is now little used by pedestrians and pleasure-seekers, without further consent of the legislature, so that the bond issue may be at once adopted, and without any objection in law as to its validity.

The voting of this amendment will place San Francisco, from its own resources alone, in position to combat the claims of New Orleans and the State of Louisiana, with twelve million five hundred thousand dollars, and will, itself, go far to insure to California and the Pacific coast the holding of this exposition, which means more to the whole state than any event in our generation. The completion of the Panama canal brings the markets of the world to the shores of California.

This is the opportunity of our people to grasp manifest destiny. If the people of San Francisco desire to bond themselves, I, as a resident of southern California, can see no reason why the rest of the state should offer any objection, but the consent of a majority of the people is necessary to enable them under the law to do this, and the vote to permit them ought to be unanimous.

PHILIP A. STANTON,

Speaker of the Assembly,

Committee appointed under the law to write the argument in favor of the adoption of Assembly Constitutional Amendment No. 33.

of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-or and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and the from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus balance remaining in said sinking fund, if any there be, shall forth with be paid into the San Francisco harbor improvement fund. The time of the respective drawings by lot, as aforesaid, and also the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, a shall use the proceeds for the payment of such bonds as may drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said outstanding bonds out of said fund in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Sec. 6. The state controller and the state treasurer shall keep a particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all their proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times open to the inspection of any party interested, or the governor, or attorney general, or a committee of either branch of the legislature or a joint committee of both, or any citizen of the state.

Sec. 7. It shall be the duty of the state treasurer to pay interest of said bonds, when the same falls due, out of the sink fund provided for in this act, on controller's warrants duly drawn for that purpose.

Sec. 8. This act, if adopted by the people, shall take effect on thirty-first day of December, nineteen hundred and ten, as to all provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming votes, and as to said excepted provisions this act shall take effect immediately.

Sec. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, nineteen hundred and ten, and ballots at said election shall have printed thereon and at the thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following breviter type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." In the square immediately below the square containing said words, there shall be printed said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against San Francisco Harbor Improvement Act of 1909," in breviter type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For San Francisco Harbor Improvement Act of 1909" and "Against San Francisco Harbor Improvement Act of 1909," there shall be spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 10. The votes cast for or against this act shall be counted and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the act shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Sec. 11. It shall be the duty of the secretary of state to have act published in at least one newspaper in each county, or city or county, if one be published therein, throughout this state, for months next preceding the general election to be held in the month of November, nineteen hundred and ten, the costs of publication be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Sec. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

Sec. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

ASSEMBLY BILL NO. 990.

CHAPTER 383.

An act authorizing the construction, acquisition, maintenance, control of a system of state highways in the State of California, specifying the work, fixing the payments to be made by the state for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of bonds; and providing for the submission of this act to the people.

[Approved March 22, 1909.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A system of state highways in and for the State of California shall be constructed and acquired as and in the manner provided by law by the department of engineering of said state at a cost not to exceed eighteen million dollars. For the purpose of providing for the payment of the cost of the construction or acquisition of said system of said highways, the State of California is hereby authorized to incur an indebtedness in the manner provided by this act in the sum of eighteen million dollars.

Immediately after the issuance of the proclamation of the emergency provided in section 11 of this act, the treasurer